



MINUTES

SELECT BOARD

12/15/2020

Present: Select Board Member, Bernard W. Greene, Select Board Member, Nancy S. Heller, Select Board Member, Heather Hamilton, Select Board Member, Raul Fernandez, Select Board Member, John VanScoyoc

6:00 pm via virtual ZOOM platform

ANNOUNCEMENTS/UPDATES

Congratulations to Dr. Jett on his appointment to the Mass. Public Health Association's Board of Directors. The design team has been selected for the Pierce School project. The Boston Police has recovered dozens of stolen bikes; you can check online Boston PD or Brookline PD to see if your bike is there. Congratulations to Melissa Goff and Justin Casanova-Davis for being recognized for their FY2021 budget efforts. Check out Brookline budget central. The Town Hall Toy Drive is underway. You can drop off items at Town Hall and the Police Department. Please check in on your neighbors during this holiday season; it is a difficult time for many of us in isolation.

PUBLIC COMMENT

Rebecca Stone spoke on a former warrant article providing feminine hygiene products in public restrooms. The bylaw is effective July 1, 2021 and she would like an update and hopes it is included in the upcoming budget. Susan Park, TMM#2 spoke on a police report related to Sanctuary Medicinals. She feels the report is inaccurate and would like the Board to review the video. Elizabeth Kane. Jason Klein, Co-owner Brookline Athletic Club spoke on efforts to keep fitness centers and health clubs open. He spoke on the benefits of exercise and the imposing shut down of gyms would be a devastating loss to them and their members. Katherine Tallman, Executive Director of the Coolidge Corner theatre spoke on Boston's recent COVID protocol roll back to phase 2; closing cinemas. She explained what they are doing, no regular movie showing, they are offering private rentals in efforts to generate some operating income. She reviewed their safety protocols to be COVID safe. Mark Harrington, owner of three health club facilities, spoke on their safety operations. He offered that the data supports that health clubs are not any more of a threat for COVID than other establishments; however they are targeted to shut down operations. Ade Ijanusi spoke on an incident he had as an employee of Sanctuary Medicinals, he asked why this

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dispensary has been granted a renewed license when he has been wrongly accused and terminated from the company. He feels the police report is inaccurate.

Donelle O'Neal TMM#4 spoke on the police report and the incident involving Mr. Ijanusi. He feels this Board should take action and do a thorough review of the incident that occurred that prompted his wrongful termination.

MISCELLANEOUS

Question of approving the meeting minutes from Tuesday, December 8, 2020.

On motion it was,

Voted to approve the meeting minutes from Tuesday, December 8, 2020.

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez, John VanScoyoc

FEMA REIMBURSEMENT

Question of approving the reimbursement of \$12,561.36 from FEMA for the town's participation in deploying public safety personnel in response to Tropical Cyclone Marco and Laura.

On motion it was,

Voted to approve the reimbursement of \$12,561.36 from FEMA for the town's participation in deploying public safety personnel in response to Tropical Cyclone Marco and Laura.

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez, John VanScoyoc

BUDGET TRANSFER

Question of approving the following interdepartmental budget transfer for the Building Department in the amount of \$115,000.

25003430 School 510101 Full Time \$75,000

25003430 School 522400 R&M \$75,000

25002510 Town 510101 Full Time \$25,000

25002510 Town 522400 R&M \$25,000

25002540 Town 510101 Full Time \$15,000

25002540 Town 523590 Cleaning \$15,000

On motion it was,

Voted to of approve the following interdepartmental budget transfer for the Building Department in the amount of \$115,000.

25003430 School 510101 Full Time \$75,000

25003430 School 522400 R&M \$75,000

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25002510 Town 510101 Full Time \$25,000

25002510 Town 522400 R&M \$25,000

25002540 Town 510101 Full Time \$15,000

25002540 Town 523590 Cleaning \$15,000

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez, John VanScoyoc

CALENDAR

COVID-19 RESERVE FUND TRANSFER

Discussion of COVID-19 issues including a vote to authorize a Reserve Fund Transfer for COVID testing programs.

Town Administrator Kleckner reviewed the Governor's recent COVID related roll back to phase 3 step 1 and the City of Boston announced a roll back to phase 2 step 2. He is a strong advocate of the state taking over restrictions in efforts to achieve a wide spread compliance, making thing much easier for local cities and towns. The City of Newton and others adopted the same restrictions as Boston has that include shutting down health clubs, fitness centers, museums and theaters. This makes it difficult for Brookline as our residents travel to these neighboring communities and the restrictions differ. The Governor is allowing cities and towns to make their own judgements, prompting a back and forth. The town is not obligated to do this.

Chair Greene asked if we had any COVID outbreaks in gyms and theatres. Dr. Jett, Director of Health and Human Services responded it is hard to track where someone got COVID. It is spreading everywhere. We can look at our data as we are reaching 1000 cases. He feels it may not be necessary to close gyms and theatres, but look at reducing capacity and do more spot checks on those facilities.

Vice Chair Hamilton is a local gym patron and feels safe and is comfortable with their safety protocols in place. She does not support shutting down these facilities.

Board member Heller added that a friend is quarantining due to an infected person at a gym. We need to take a conservative approach here. She would like to review the theatre process.

Board member VanScoyoc spoke on the importance of the Coolidge Corner theatre in our community. The marginal amount of business they are doing but could be the difference to allow them to hang on. The gym owners have made a reasonable case here. There have been COVID exposures from supermarkets etc.

Board member Fernandez added that most people have been doing what is asked of them and because others are not, we see the uptick. The rising numbers of cases were predicted. 73 lives were lost in Brookline. Our businesses have been complying. We need to figure out what to do; we need to try to limit activity in our community.

Town Administrator Kleckner will confer with Dr. Jett and develop a protocol.

Mr. Kleckner reviewed the COVID testing site. The funding for it is expiring and he feels it is important to keep it operating. It is a very busy site. He added the school department will be seeking funds for surveillance testing. He requested a transfer from the reserve fund in the amount of \$200,000 to cover this COVID expense. If CARES funds do come through those funds will be used for this site.

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Question of approving and transmitting to the Advisory Committee the request of Town Administrator Kleckner for a Reserve Fund Transfer in the amount of \$200,000 for COVID related activities/testing site.

On motion it was,

Voted to approve and transmit to the Advisory Committee the request of Town Administrator Kleckner for a Reserve Fund Transfer in the amount of \$200,000 for COVID related activities/testing site.

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez, John VanScoyoc

WELLTOWER PURCHASE AND SALE AGREEMENT AND REVOCABLE PARKING LICENSE

Vote to execute the Purchase and Sale Agreement between the Town of Brookline and Welltower TRS Holdco LLC for the Town's purchase of the west side of the former Newbury College campus, specifically the parcels of land with the buildings and improvements now thereon located at 124 Fisher Avenue; 146 Hyslop Road (a/k/a 129 Fisher Avenue), 110 Fisher Avenue and 150 Fisher Avenue in the Town of Brookline and to delegate authority to the Chair to sign on the Board's behalf.

Vote to execute the Revocable License Agreement between the Town of Brookline and Welltower Inc. to allow the use of certain parking lots on the west side of the former Newbury College campus by Welltower Inc. for the personal vehicles of its workers during the construction of the senior housing development located at 123-133 Fisher Avenue, sometimes referred to as Balfour at Brookline, and to delegate authority to the Chair to sign on the Board's behalf, contingent on the acquisition of the west side of the former Newbury College campus by the Town.

Associate Town Counsel, Jonathan Simpson reviewed the outline of the two agreements. The town voted the referendum and the finance of the west side of the former Newbury campus. He reviewed the next steps and the timeline. Mr. Simpson added that the sale price has been reduced \$10k to cover necessary repairs to the property. The town will be accepting the building as is. The town intends to use the property short term. Mr. Simpson also provided a review of the parking agreement. The town will lease parking spaces for the construction worker's personal vehicles during the day.

On motion it was,

1. Voted to execute the Purchase and Sale Agreement between the Town of Brookline and Welltower TRS Holdco LLC for the Town's purchase of the west side of the former Newbury College campus, specifically the parcels of land with the buildings and improvements now thereon located at 124 Fisher Avenue; 146 Hyslop Road (a/k/a 129 Fisher Avenue), 110 Fisher Avenue and 150 Fisher Avenue in the Town of Brookline and to delegate authority to the Chair to sign on the Board's behalf.
2. Voted to execute the Revocable License Agreement between the Town of Brookline and Welltower Inc. to allow the use of certain parking lots on the west side of the former Newbury College campus by Welltower Inc. for the personal vehicles of its workers during the construction of the senior housing development located at 123-133 Fisher Avenue, sometimes referred to as

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Balfour at Brookline, and to delegate authority to the Chair to sign on the Board's behalf, contingent on the acquisition of the west side of the former Newbury College campus by the Town.

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez, John VanScoyoc

BOARDS AND COMMISSIONS - INTERVIEWS

The following candidates for appointment/reappointment to Boards and Commissions will appear for interview:

Preservation Commission: John Spiers

Economic Development Advisory Board: Sandi Silk

Preservation Commission

John Spiers is a new applicant. He holds a Ph.D. in American history and urban environmental planning. He currently works as a hospital administrator and would like the opportunity to use his training and expertise. He spoke on Brookline's valuable resources that are available to residents to appreciate. Mr. Spiers is familiar with the Commission's general rules, regulations and guidelines. He would like to see the commission further explore opportunities to enhance public support (and developer's support) for preserving the Town's historic fabric and environment outside of these districts. Doing so will benefit these other areas and resources of Brookline as well as potentially offer "buffer zones" for the existing local historic districts.

Economic Development Advisory Board

Sandi Silk is a new applicant. She is a Senior Vice President for a multifamily and mixed used property development company. She is involved in identifying, assess, pursue and secure multifamily and mixed-use urban and transit-oriented development. Ms. Silk spoke on selecting and managing project teams comprised of internal and education focus at the intersection of planning and economic development finding projects that are feasible and that promote economic diversity. She spoke on supporting local retailers and growth in the right places, noting that not all areas support growth; it is not a one size fits all model. Ms. Silk formerly worked for the State Department of Environmental Management, and understands the process at the government level.

LODGING HOUSE LICENSE PUBLIC HEARING

Question to approve the application of Josh Danesh for a new Lodging House of a single dwelling at 83 Longwood Ave. Formerly The Beech Tree Inn. This location has three floors and a total of 10 rooms.

Attorney Jennifer Gilbert introduced applicant Josh Danesh and consultant Dia Damali. This property has been vacant since March, and will operate as the Longwood Guest House. Ms. Damali reviewed her qualifications and spoke on their safety measures related to COVID compliance.

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Public hearing: (includes inflammables hearing)

Elizabeth Tate wrote about challenges with the lodging houses in this neighborhood. They share an alley and there are issues with trash and noise and she has been unable to get someone to resolve them. She feels there are no agents' living there 24/7. She is asking the Town who is responsible to address these issues.

Marilyn? Asked about town oversight, will inspections and onsite managers maintain that the business is conducting as good neighbors?

Attorney Gilbert responded that the town provides inspections and various depts. are involved. Ms. Damali will be involved in creating house rules. Ms. Damali added that she has not seen these issues at her other lodging houses.

Douglas Hughes a former Beacon Hill resident said that since they moved to this neighborhood the number of lodging houses has increased. There are issues with noise and trash. He added that things usually start out well but then decline and they are having trouble finding someone to take accountability.

Mr. Danesh responded that he will take care of the property and respect their neighbors which are important for their longevity.

Mr. Kleckner added that the lodges are inspected annually and reviewed at the renewal time. The health department is the most applicable agency to contact as a clearing house for complaints.

Ms. Gilbert added they don't want complaints; they have to renew the license every year and want a clean record.

Marcia Lapson spoke on requiring the owner to provide some kind of fencing to shield the neighbors from headlights coming in. She said there used to be a fence there that locked the view. She hopes this will be a condition of the license.

Ms. Gilbert responded they will take a look at that and review.

Town Administrator Kleckner will research the issues.

Vice Chair Hamilton said she will abstain from her vote as a neighbor that rents a parking space from the applicant.

On motion it was,

Voted to approve the application of Josh Danesh for a new Lodging House of a single dwelling at 83 Longwood Ave. Formerly The Beech Tree Inn. This location has three floors and a total of 10 rooms.
*subject to Health Department approval

Aye: Bernard Greene, Nancy Heller, Raul Fernandez, John VanScoyoc

Abstained: Heather Hamilton

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OPEN AIR PARKING LICENSE PUBLIC HEARING

Question to approve the application of Josh Danesh for an Open Air Parking License at 83 Longwood Ave. formerly the Beech Tree Inn. Location is 8,500 sq. ft. for 27 cars.

Attorney Gilbert reviewed that this is a request for an open air parking license. Some of the spaces are rented out to neighbors.

*public hearing included in the above agenda item.

On motion it was,

Voted to approve the application of Josh Danesh for an Open Air Parking License at 83 Longwood Ave. formerly the Beech Tree Inn. Location is 8,500 sq. ft. for 27 cars.

*with the condition of reviewing the headlight issues.

Aye: Bernard Greene, Nancy Heller, Raul Fernandez, John VanScoyoc

Abstained: Heather Hamilton

NEW HOTEL AND ENTERTAINMENT LICENSE PUBLIC HEARING

Question to approve the application for Claremont Brookline Avenue, LLC. D/B/A Hilton Garden Inn for an Innholder License at 700 Brookline Avenue, Brookline, Massachusetts. The Innholder Application seeks approval for the operation of a 174 room hotel at 700 Brookline Avenue.

Question to approve the application for Claremont Brookline Avenue, LLC. D/B/A Hilton Garden Inn for an Entertainment License. Entertainment will consist of taped music, live music to be scheduled, televisions, and certain private scheduled events.

Attorney Jennifer Gilbert reviewed the application process. It has been a long process. The hotel will have 174 rooms and cater to Boston tourists, hospital and college visitors. Applicant John Mitchell was present. He reviewed that they will be opening dining establishments at a later date.

The Board acknowledged the long process and noted that the building is designed nicely adding to the vibrancy of the revised area. This was an exciting project transforming the Brookline Village area.

Public hearing: no speakers

On motion it was,

1. Voted to approve the application for Claremont Brookline Avenue, LLC. D/B/A Hilton Garden Inn for an Innholder License at 700 Brookline Avenue, Brookline, Massachusetts. The Innholder Application seeks approval for the operation of a 174 room hotel at 700 Brookline Avenue.
2. Voted to approve the application for Claremont Brookline Avenue, LLC. D/B/A Hilton Garden Inn for an Entertainment License. Entertainment will consist of taped music, live music to be scheduled, televisions, and certain private scheduled events.

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INFLAMMABLES LICENSE PUBLIC HEARING

Question to approve the application for Hilton Garden Inn, 700 Brookline Ave Brookline, MA, for the keeping, storage and use of 29 automobiles.

Attorney Gilbert added that this is related to the hotel garage parking.

Chief Sullivan indicated no issues with the application.

Public hearing: no speakers

On motion it was,

Voted to approve the application for Hilton Garden Inn, 700 Brookline Ave Brookline, MA, for the keeping, storage and use of 29 automobiles.

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez, John VanScoyoc

NETA SITE PLAN REVIEW AND LICENSE RENEWAL

Public Hearing regarding the renewal application and license conditions pertaining to the Marijuana Retail and Medical Marijuana Treatment Center Licenses held by New England Treatment Access, LLC (NETA), 160 Washington Street, Chelsea Ekenseair, Director of Operational Compliance.

Attorney Jennifer Gilbert introduced the NETA team. She noted that it has been a different year for NETA with 16 new dispensary operations opened in the Boston area. NETA intends to keep their focus on medical patients.

Maria Morelli, Planner, gave a brief review on the annual site plan. This review included various departments in efforts to make sure everything is in compliance with state and local regulations. A summary of activity over the course of a year was provided. NETA's Business model turned to an order ahead. Traffic impact studies were waived because traffic volumes are atypical during this COVID crisis. Parking has been restored under the original conditions.

This report confirms that the licensee participated in an annual site plan review with Town Departments including Police, Health, Fire, Transportation, Building, and Planning in fulfillment of its license conditions. The licensee is compliant with state and local regulations. In addition, Staff is not recommending modifications to the license conditions, except for the addition a mid-year review and end-year review of the license's implementation of its Diversity Plan with the Office of Diversity and Inclusion. As part of its ongoing monitoring of the licensee's operations, staff confirms that licensee has been responsive to corrective actions and has incorporated updates to its business plan and COVID-19 protocols as recommended.

LICENSE CONDITIONS

Staff Summary: Staff recommends that all marijuana treatment centers and retailers submit a mid-year report on the implementation of its Diversity Plan to the Office of Diversity and Inclusion.

Lt. Paul Cullinane reviewed that he has worked closely with NETA security. Some past problems were addressed. COVID has reduced the number of customers and there are no recent citizen complaints,

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except for a resident on White Place. When the pandemic ends there may be an uptick in complaints, and they are prepared to address them.

Attorney Gilbert reviewed that NETA will begin the process to move their medical marijuana business to 1280 Boylston Street.

Ms. Morelli added that the planning regulatory division is working on a delivery plan for adult use marijuana. Now the State allows it only for economic empowerment candidates.

The Board noted that Amanda Rositano has left the company and she was very receptive to the community. Ms. Gilbert responded that many of the original team remains. She introduced some team members.

Joe Daddario added that they understand how much Amanda was involved in the community, and plan for a seamless transaction.

Chair Greene expressed dismay that the legalization of marijuana included a provision designed to ensure the community that was disproportionately harmed by marijuana enforcement were included in these establishments. These are to be minority owners. Looking at the CCC website NETA is a segregated ownership company; he finds that offensive but there is nothing we can do about that. Hopefully local municipalities can put pressures on; the majority of owners of these establishments are all white, which is unacceptable.

Mikayla Bell, NETA replied that she understands and will convey the message to ownership.

Board member Fernandez agreed with the Chair. The reason cannabis sales passed in the first place was to reverse the trend around marijuana and the disproportionate impact on communities of color. What we are seeing is ownership making millions of dollars. It is really important that companies are taking this issue seriously and doing more than required of them. He added he is surprised to see how scant their diversity plan is.

Mikayla Bell, NETA reviewed that their goal is to improve diversity in the work place; they are making improvement year after year. Their staff is 35% people of color, 30% female and management is half of each group. She provided an extensive list of programs and resources their company is doing to support minority groups and outreach to be more inclusive.

Board member VanScoyoc noted the list of executives and concurred that more needs to be one to expand diversity at the higher levels of the company.

On motion it was,

Voted to renew the application and license conditions pertaining to the Marijuana Retail and Medical Marijuana Treatment Center Licenses held by New England Treatment Access, LLC (NETA), 160 Washington Street, Chelsea Ekenseair, and Director of Operational Compliance.

*with the following condition:

The Licensee shall submit a status report on the implementation of the Diversity Plan, including but not limited to supporting statistics, 180 days prior to the license renewal date to the Director for the Office of Diversity and Inclusion for review and direction. As part of the annual Site Plan Review process, the

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License shall submit a follow up report on the implementation of the Diversity Plan 30 days prior to the license renewal date to the Planning Department and the Director for the Office of Diversity and Inclusion.

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez, John VanScoyoc

LICENSE RENEWALS

Question of renewing the following licenses for 2021:

Alcohol

Coin-Operated Amusement Devices

Common Victualler

Entertainment

Food Vendor

Innholder

Lodging House

Secondhand Articles

Secondhand Motor Vehicles

Town Administrator Kleckner introduced Select Board staff member Tiffany Sousa who has been processing the annual licenses. He spoke on the challenges the restaurant businesses are having this year and staff has been working diligently to accommodate them as best they can. He began the review of each license category.

Coin-Operated Amusement Devices: there are no license holders in this category this year. The Brookline Elks is not renewing their license.

NO VOTE

Common Victualler: 2 licenses to be held

On motion it was,

Vote to approve the all Common Victualler license renewals as submitted.

*With the following exceptions:

WOW Barbeque, 320 Washington Street

Coolidge Corner Clubhouse, 307 Harvard Street

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez, John VanScoyoc

Entertainment:

On motion it was,

Voted to approve the all Entertainment license renewals as submitted.

*With the following exceptions:

WOW Barbeque, 320 Washington Street

Coolidge Corner Clubhouse, 307 Harvard Street

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Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez, John VanScoyoc

Food Vendor: No issues, all paperwork is in order

On motion it was,

Voted to approve all food vendor license renewals as submitted.

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez, John VanScoyoc

Innholder: No issues, all paperwork is in order

On motion it was,

Voted to approve all Innholder license renewals as submitted.

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez, John VanScoyoc

Lodging House:

Elizabeth Kane Tate: Abutter to Longwood Ave spoke on a number of issues in their neighborhood surrounding lodging houses. Rats, trash, noise and asked how much the neighbors are supposed to be policing this. It is not their job policing this as a resident. No one is there 24/7 at these neighborhood lodging houses, where there are 6 in this tiny block.

Town Administrator Kleckner responded that these establishments have been allowed in the community for a long time as they serve a certain housing need for certain incomes. We can refer to the Housing Advisory Board to understand the merits of this type of housing. True it is not your responsibility to police the concerns, but we are not out there 24/7 and we rely on our departments to provide materials for the renewal.

This license category will be held until next week for further review.

Secondhand Articles: No issues, all the paperwork has been submitted.

On motion it was,

Voted to approve all Secondhand Articles license renewals as submitted.

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez, John VanScoyoc

Secondhand Motor Vehicles: No issues, all the paperwork has been submitted.

On motion it was,

Voted to approve all Secondhand Motor Vehicles license renewals as submitted.

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez, John VanScoyoc

Alcohol

On motion it was,

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Voted to approve the Alcoholic license renewals as submitted.

*With the following exceptions:

WOW Barbeque, 320 Washington Street

Coolidge Corner Clubhouse, 307 Harvard Street

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez, John VanScoyoc

BOARDS AND COMMISSIONS - APPOINTMENTS

The following candidates for appointment/reappointment to Boards and Commissions:

Commission for Diversity, Inclusion, and Community Relations

On motion it was,

Voted to appoint Razaul Haque to the Commission for Diversity, Inclusion, and Community Relations
For a term ending August 31, 2023 or until a successor can be identified.

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez, John VanScoyoc

There being no further business, the Chair ended the meeting at 10:05 pm.

ATTEST



TOWN of BROOKLINE

Massachusetts

BUILDING DEPARTMENT

Charles A. Simmons
Director of Public Buildings

TO: Select Board
School Committee
Building Commission

FROM: Charles A. Simmons, Director of Public Buildings *CAS*
SUBJECT: Driscoll School Proprietary Items
DATE: December 1, 2020

After careful consultation with the Design Team and Town Staff, the following is a list of items proposed to be proprietary for inclusion in the referenced project. All of the items are recommended so as to be consistent with materials or systems currently in use in the Town of Brookline. Inclusion of these items as proprietary is in the public interest for ease and cost of maintenance, operations and/or replacements. In addition to the items below, there will likely be security and IT additions that will come out in the next round of security and IT programming meetings.

You are asked to vote the following proprietary items:

Door Hardware:

- Mortise Locksets – Schlage/Alegion
- Cylindrical Locksets – Schlage/Alegion
- Closures – LCN
- Exit Devices – Von Duprin
- Cylinder Cores – Modeco small format IC x 4 System

Speakers:

- Valcom IP

Fire Alarm:

- Fire Alarm Communication– Notifier
- NAPCO Starlink

Security:

- Keycard System – AMAG Technologies
- DOOR Entry Intercom System – Airphone

333 Washington Street, Brookline, Massachusetts 02445
Tel: (617) 730-2420 Fax: (617) 739-7542
Email – csimmons@brooklinema.gov

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Civil/Site:

- Water Valve Boxes – East Jordan Iron Works model 8555 Slip Type 2 Piece Valve Box Set: 36B Bottom, 26T top with shifting flange, black coated water cover New England Standard
- Manhole Frame – East Jordan Iron Works model 2248Z Frame LA248-5
- Manhole Cover – East Jordan Iron Works model 2248C Cover Town of Brookline Standard
- Frame – East Jordan Iron Works model 7278Z Type C Frame
- Catch Basin Grate – East Jordan Iron Works model 7278M2 Grate L27DG3 STD
- Catch Basin Cascade Frames and Grates - East Jordan Iron Works 24x24x8 HVY FR Cascade L GR 8”
- Pre-formed Reflectorized Thermo Plastic Traffic Markings – PreMark with ViziGrip by Ennis Flint
- Stamped Colorized Brick Pattern – TrafficPatternsXD, offset brick pattern, brick red color by Ennis Flint
- Tape Inlay – 3M “Stamark” 380I E (inlay) by 3M

Geothermal Wells-

- High-Performance Geo Xchange (HPGX) (aka RYGAN) closed-loop geothermal wells

Traffic and Transportation-

- Red Brick For Crosswalk at Washington and Salisbury – IMPRINT by Felix A, Marino
- Delineator Posts – 36” EAC City Posts by Pexco
- Rectangular Rapid Flashing Beacon - Tapco RRFB-XL2 System
- School Zone Flasher – School Zone Signal by Ocean State Signal
- Speed Display Board – RU2 Fast-275 Radar Speed Sign with all options including Red/Blue Flashing Bars
- Traffic signal Vehicle/Bicycle Detection – Vantage Next by Iteris
- APS Pedestrian Button - iNS iNavigator (3-Wire)
- Pavement Marking Symbols – Pre Mark with Vizi Grip by Ennis Flint (Preformed Thermoplastic)

Building Automated Controls-

- Johnson Control’s Metasys Automated Temperature Controls

Charging Stations-

- ChargePoint EV Pedestals Level 2 Dual port w/18’ cord and cell modem Communications.



December 3, 2020

Mr. Tony Guigli
Project Manager
Building Department
333 Washington Street
Brookline, MA 02445

Re: Michael Driscoll School Project
Proprietary Items List

Dear Mr. Guigli,

LeftField has reviewed the Proprietary Items List proposed for inclusion in the Michael Driscoll School Project and recommends approval of these items based on discussions with the Design Team, Brookline Building Department, School Department and other Town and School Staff. Leftfield agrees that the inclusion of the proprietary items is in the public interest due to ease and cost of maintenance and operations.

Project Estimates, including the upcoming 90% CD Estimate will consider these items as proprietary.

LeftField therefore recommends that the Town of Brookline approve the list of proprietary items provided via memo dated December 1, 2020 from Director of Public Buildings, Charles A. Simmons.

Should you have any questions regarding this recommendation of approval, please contact me.

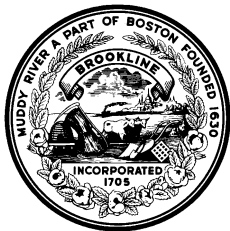
Sincerely,

Jennifer Carlson, LeftField, LLC

Cc: Jim Rogers, LeftField, LLC
Lynn Stapleton, AIA, LEED AP B D + C
Adam Keane, LeftField, LLC
Philip Gray, Jonathan Levi Architects

main: 617-737-6400 fax: 617-217-2001
225 franklin street, 26th floor, boston, ma 02110

owner project manager
owner representative construction audits
cost forecasting **capital budgeting**



TOWN of BROOKLINE

Massachusetts

BUILDING DEPARTMENT

Charles A. Simmons
Director of Public Buildings

TO: Building Commission, School Committee and Select board

FROM: Charles A. Simmons, Director of Public Buildings

SUBJECT: Driscoll Proprietary list - supplement

DATE : December 10, 2020

I would like to offer the following in regards to the following proprietary items and their justification for a proprietary vote.

Door Hardware

The Town has voted for these same proprietary door hardware items for many years on various school or Town Projects.

Locksets – Schlage/Alegion

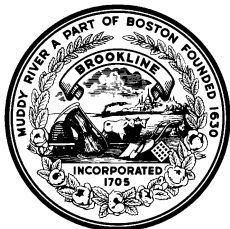
The Town has a Master Key Plan. It is based on Schlage for interior doors. By having a standard lock, all the Town's master keys and submaster keys would be able to work at this school. If this did not happen, staff would need to carry another set of keys. If this was extended to all buildings, there would be a situation where staff would need to carry hundreds of keys. Schlage is a common lock/cylinder. There are multiple sources to purchase this make of cylinder.

Cylinder Cores – Medeco, small format

The justification for Medeco equipment is similar to the locksets. The Town has a Master Key Plan. It is based on Medeco for exterior doors. Medeco is a high security keyway system. Blanks need to be signed off individually. By having a standard lock, all the Town's master keys and submaster keys would be able to work at this school. If this did not happen, staff would need to carry another set of keys. If this was extended to all buildings, there would be a situation where staff would need to carry hundreds of keys. Medeco is a common high security lock/cylinder

Closers - LCN

A majority of the door closures used in the Town are LCN. By having one company, there are many benefits. Staff is very familiar with repairs (which we do ourselves) and door closures, especially in the schools, do require high maintenance, the parts would be interchangeable. There are many LCN dealers that can supply the product. It is a very common product.



TOWN of BROOKLINE

Massachusetts

BUILDING DEPARTMENT

Charles A. Simmons
Director of Public Buildings

Exit Devices – Von Duprin

The justification for Von Duprin equipment is similar to closers. 99% of the door exit devices used in the Town are Von Duprin. By having one company, there are many benefits. Staff is very familiar with repairs (which we do ourselves) and door closures, especially in the schools, do require high maintenance, the parts would be interchangeable. There are many Von Duprin dealers that can supply the product. It is a very common product.

Security

Keycard System – AMAG

The Town uses a standard keycard security. If a different vendor were used, their keycard system would not be compatible with what the Town is using and staff would need to carry two sets of keycards. This is not practical and would be a security concern. AMAG can be sold and installed by multiple dealers.

Door Entry - Aiphone

This system is used primarily by the schools to control access to their building with a simple visual and audio system. Staff have all been trained and are very familiar and comfortable with the equipment.

There parts can be changed out easily if needed and we can replace broken parts with parts from other units that we already have.

Aiphones can be furnished and installed by multiple dealers in the area.

Building Automated Controls – Johnson Controls

Johnson Controls is the Town's primary vendor for BAC systems. This is the Energy Management System which controls the Town and Schools HVAC and other related equipment. If a different company's system were installed at the school, it would not be compatible with the rest of the EMS architecture. It would require its own server. It would be separate, stand alone system. This would create more costs for equipment and more time to separately program and monitor the system.

There are multiple vendors that can install and program the Johnson system. The Town buys replacement and new Johnson equipment from a federal contract. We also install the equipment ourselves.

3.B.

Fire Alarm

Panel – Notifier

All buildings in Town have Notifier fire alarm panels. This was standardize many years ago so that fire personnel and on site building staff, if they went to different buildings, would be familiar with these panels and how they function. This would be essential in case of a fire emergency and time is of the essence. The operations of these panels are essentially the same building to building.

Notifier is owned by Honeywell. The equipment is competitively priced. There are multiple dealers that can supply the panels. There are multiple contractors that can install these panels. There are multiple Notifier approved programming companies that can set up and program the panels.

Communications – Star Link

The Town has recently disconnected the old hard wired master boxes which would send a signal through town owned, underground wires to the Fire Department if a fire alarm went off in a building. This system was deemed antiquated and the Fire Chief requested that all buildings owners in Brookline remove their master boxes and install an alternative communication system. The Town standardized with Star Link communicators. These devices are readily available from multiple dealers, are priced competitively and can be installed by multiple companies.



BROOKLINE INFORMATION TECHNOLOGY DEPARTMENT

To: Tony Guigli

From: Feng Yang and Zeray Assefa

Date: December 11, 2020

Re: Driscoll School Proprietary Items

Speakers: Valcom IP

Valcom Informacast is compatible with integral components of the Town of Brookline's existing PA/VOIP system and is necessary to support the Public Schools of Brookline.

In summary, the three conditions are:

- Compatibility
- Maintainability
- Standardization



TOWN OF BROOKLINE
Massachusetts
DEPARTMENT OF PUBLIC WORKS

Erin Chute Gallentine
 Commissioner

TO: Building Commission, School Committee and Select Board

FROM: Erin Chute Gallentine, Commissioner of Public Works

SUBJECT: Driscoll Proprietary list – DPW Civil/Site

DATE : December 15, 2020

I would like to offer the following in regards to the following proprietary items and their justification for a proprietary vote.

These items are proprietary for the following reasons: 1) The Water & Sewer Division have found them to be the best performing; 2) the Water & Sewer Division exclusively purchases and stocks these items; and 3) the Water & Sewer Division stocks replacement parts for future maintenance.

- Water Valve Boxes - East Jordan Iron Works model 8555 Slip Type 2 Piece Valve Box Set: 36B Bottom, 26T top with shifting flange, black coated water cover New England Standard
- Manhole Frame - East Jordan Iron Works model 2248Z Frame LA248-5
- Manhole Cover - East Jordan Iron Works model 2248C Cover Town of Brookline Standard
- Frame - East Jordan Iron Works model 7278Z Type C Frame
- Catch Basin Grate - East Jordan Iron Works model 7278M2 Grate L27DG3 STD
- Catch Basin Cascade Frames and Grates - East Jordan Iron Works 24x24x8 HVY FR Cascade L GR 8"
- Mechanical Joint Tapping Sleeves (Stainless Steel, Flange End), Mueller H-304SS
- Tapping Valves -Mechanical Joint x Flange End, Mueller T-2361-16
- Resilient Seat Gate Valves -Mechanical Joint x Mechanical Joint, Mueller A-2361-20
- Fire Hydrants -5 1/2 Foot Depth of Bury, Mueller Super Centurion 250 A-423, or 5 1/2 Foot Depth of Bury, American Darling 5-1/4" B-84-B-5

3.B.

- Joint Restraint Systems, Star
- All water pipe 4" and larger shall be Cement Lined Ductile Iron Class 56.
- All service pipes 2" or less shall be Type "K" Copper.
- All service fittings 2" or less shall be Mueller 110 Compression Type.
- All Hydrants, Valves and Curb Stops shall be Open Right.
- All Fittings 4" and larger shall be Mechanical Joint, Cement Lined (Double Thickness), Ductile Iron, with Asphaltic Seal Coat inside and out and 250 PSI rated.



TOWN OF BROOKLINE
Massachusetts
DEPARTMENT OF PUBLIC WORKS

Erin Chute Gallentine
Commissioner

TO: Building Commission, School Committee and Select board

FROM: Erin Chute Gallentine, Commissioner of Public Works

SUBJECT: Driscoll Proprietary list - supplement

DATE : December 15, 2020

I would like to offer the following in regards to the following proprietary items and their justification for a proprietary vote.

Traffic & Transportation:

The Town has voted for these same proprietary items for many years on related work on the public way performed as part of School or Town Projects.

36" EAC City Posts by Pexco – Based on its demonstrated durability and longevity, it has become the adopted Town standard used for delineator posts in separated bike/LIT lanes. The Department of Public Works exclusively stocks replacement parts for this manufacturer for future maintenance and town staff are trained on their installation, maintenance, and removal.

Tapco RRFB-XL2 Solar Powered System – Based on its effectiveness and ability to meet ADA and Town desired operations including solar power and spot light, it has become the adopted Town standard used for RRFB installations townwide. The Department of Public Works exclusively stocks replacement parts for this manufacturer for future maintenance and Town staff are trained on their maintenance.

School Zone Signal System by Ocean State Signal - It has become the adopted Town standard used for School Zone Signal installations townwide. The Department of Public Works exclusively stocks replacement parts for this manufacturer for future maintenance and Town staff are trained on their maintenance.

RU2 Fast-275 Radar Speed Sign with all options including Red/Blue Flashing Bars - Based on its demonstrated effectiveness in speed reduction and other Town desired operations, it has become the adopted Town standard used for Radar Speed display boards townwide. The Department of Public Works exclusively stocks replacement parts for this manufacturer for future maintenance and Town staff are trained on their maintenance.

3.B.

Vantage Next by Iteris - Based on its effectiveness, it has become the adopted Town standard used for traffic signal vehicle and bike detection townwide. The Department of Public Works exclusively stocks replacement parts for this manufacturer for future maintenance and Town staff are trained on their maintenance.

iNS iNavigator (3-wire) - Based on its effectiveness and ability to meet ADA and Town desired operations, it has become the adopted Town standard used for Accessible Pedestrian Push Buttons at all traffic signal locations townwide. The Department of Public Works exclusively stocks replacement parts for this manufacturer for future maintenance and Town staff are trained on their maintenance.

Pre Mark with Vizi Grip by Ennis Flint - Based on its demonstrated durability and longevity, it has become the adopted Town standard used for all preformed thermoplastic pavement marking symbols townwide.

IMPRINT by Felix A. Marino – Based on its demonstrated durability and longevity, it has become the adopted Town standard used for red brick crosswalks on arterial and high volume collector roadways townwide.

TrafficPatternsXD - Based on its demonstrated durability and longevity, it has become the adopted Town standard used for red brick and other designed crosswalks on collector and local roadways townwide.

3M “Starmark” 380I E(inlay) by 3M - Based on its demonstrated durability and longevity, it has become the adopted Town standard used for crosswalk markings townwide when installed in conjunction with new roadway surface treatments.

Chargepoint CT4021 6' Bollard Dual 18' Cord with cell modem communications and extended parts & on-site labor warrant - Based on its demonstrated durability and longevity, as well as its integrated online network management system, it has become the adopted Town standard used for all EV Charging Stations installed on public property that are owned, operated, and maintained by the Town.

Memorandum



Date: December 10, 2020
Recipient: Jonathan Levi Architects
Attention: Mr. Philip Gray
Sender: Jonathan W. Patch, P.E.
Project: Driscoll School; Brookline, Massachusetts
Project No: 6693.2.TB
Subject: Proprietary Language for RYGAN Geothermal Well Materials

As requested, this memorandum provides language for the inclusion of the proprietary RYGAN well materials. Specifically, we recommend the following language be used:

Conventional closed-loop geothermal wells with U-bends are typically installed to depths of about 400 to 600 feet below ground surface. High-Performance Geo Xchange (HPGX) (aka RYGAN) closed-loop geothermal wells can be installed to deeper depths than, and are more efficient than, conventional U-bends. They utilize proprietary high-strength, low-weight, low thermal resistance composite materials. The use of the RYGAN system will result in an increased capacity per well over a traditional U-bend well, which will decrease the total number of wells required and the overall footprint of the well field. Therefore, given the anticipated amount of space on site that will be available for the geothermal well field and the phasing of the project, the use of a RYGAN geothermal system is recommended for this project.

We trust that the above information is sufficient for your present requirements. Should you have any questions concerning the recommendations presented herein, please do not hesitate to call us.

N:\Working Documents\Jobs\6693\Geothermal\McPhail Correspondence\6693_RYGAN_Proprietary_Language_Memo_121020.docx
JWP



TOWN of BROOKLINE

Massachusetts

BUILDING DEPARTMENT

Charles A. Simmons
Director of Public Buildings

TO: Select Board
School Committee
Building Commission

FROM: Charles A. Simmons, Director of Public Buildings *CAS*
SUBJECT: Driscoll School Proprietary Items
DATE: December 1, 2020

After careful consultation with the Design Team and Town Staff, the following is a list of items proposed to be proprietary for inclusion in the referenced project. All of the items are recommended so as to be consistent with materials or systems currently in use in the Town of Brookline. Inclusion of these items as proprietary is in the public interest for ease and cost of maintenance, operations and/or replacements. In addition to the items below, there will likely be security and IT additions that will come out in the next round of security and IT programming meetings.

You are asked to vote the following proprietary items:

Door Hardware:

- Mortise Locksets – Schlage/Alegion
- Cylindrical Locksets – Schlage/Alegion
- Closures – LCN
- Exit Devices – Von Duprin
- Cylinder Cores – Modeco small format IC x 4 System

Speakers:

- Valcom IP

Fire Alarm:

- Fire Alarm Communication– Notifier
- NAPCO Starlink

Security:

- Keycard System – AMAG Technologies
- DOOR Entry Intercom System – Airphone

333 Washington Street, Brookline, Massachusetts 02445
Tel: (617) 730-2420 Fax: (617) 739-7542
Email – csimmons@brooklinema.gov

3.B.

Civil/Site:

- Water Valve Boxes – East Jordan Iron Works model 8555 Slip Type 2 Piece Valve Box Set: 36B Bottom, 26T top with shifting flange, black coated water cover New England Standard
- Manhole Frame – East Jordan Iron Works model 2248Z Frame LA248-5
- Manhole Cover – East Jordan Iron Works model 2248C Cover Town of Brookline Standard
- Frame – East Jordan Iron Works model 7278Z Type C Frame
- Catch Basin Grate – East Jordan Iron Works model 7278M2 Grate L27DG3 STD
- Catch Basin Cascade Frames and Grates - East Jordan Iron Works 24x24x8 HVY FR Cascade L GR 8”
- Pre-formed Reflectorized Thermo Plastic Traffic Markings – PreMark with ViziGrip by Ennis Flint
- Stamped Colorized Brick Pattern – TrafficPatternsXD, offset brick pattern, brick red color by Ennis Flint
- Tape Inlay – 3M “Stamark” 380I E (inlay) by 3M

Geothermal Wells-

- High-Performance Geo Xchange (HPGX) (aka RYGAN) closed-loop geothermal wells

Traffic and Transportation-

- Red Brick For Crosswalk at Washington and Salisbury – IMPRINT by Felix A, Marino
- Delineator Posts – 36” EAC City Posts by Pexco
- Rectangular Rapid Flashing Beacon - Tapco RRFB-XL2 System
- School Zone Flasher – School Zone Signal by Ocean State Signal
- Speed Display Board – RU2 Fast-275 Radar Speed Sign with all options including Red/Blue Flashing Bars
- Traffic signal Vehicle/Bicycle Detection – Vantage Next by Iteris
- APS Pedestrian Button - iNS iNavigator (3-Wire)
- Pavement Marking Symbols – Pre Mark with Vizi Grip by Ennis Flint (Preformed Thermoplastic)

Building Automated Controls-

- Johnson Control’s Metasys Automated Temperature Controls

Charging Stations-

- ChargePoint EV Pedestals Level 2 Dual port w/18’ cord and cell modem Communications.



December 3, 2020

Mr. Tony Guigli
Project Manager
Building Department
333 Washington Street
Brookline, MA 02445

Re: Michael Driscoll School Project
Proprietary Items List

Dear Mr. Guigli,

LeftField has reviewed the Proprietary Items List proposed for inclusion in the Michael Driscoll School Project and recommends approval of these items based on discussions with the Design Team, Brookline Building Department, School Department and other Town and School Staff. Leftfield agrees that the inclusion of the proprietary items is in the public interest due to ease and cost of maintenance and operations.

Project Estimates, including the upcoming 90% CD Estimate will consider these items as proprietary.

LeftField therefore recommends that the Town of Brookline approve the list of proprietary items provided via memo dated December 1, 2020 from Director of Public Buildings, Charles A. Simmons.

Should you have any questions regarding this recommendation of approval, please contact me.

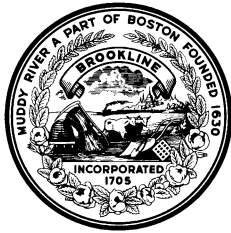
Sincerely,

Jennifer Carlson, LeftField, LLC

Cc: Jim Rogers, LeftField, LLC
Lynn Stapleton, AIA, LEED AP B D + C
Adam Keane, LeftField, LLC
Philip Gray, Jonathan Levi Architects

main: 617-737-6400 fax: 617-217-2001
225 franklin street, 26th floor, boston, ma 02110

owner project manager
owner representative construction audits
cost forecasting **capital budgeting**



TOWN of BROOKLINE
Massachusetts
BUILDING DEPARTMENT

Daniel F. Bennett
Building Commissioner

To: Select Board

From: Anthony Guigli, Project Manager

Date: 9 December 2020

Re: New Driscoll School
Leftfield LLC
Contract Amendment #5, increase \$11,770.00

Proposed Amendment #5 to the contract between the TOB and Leftfield LLC in the amount of \$11,770.00, is for structural design peer review and Life safety systems design third party review as required by code and/or local authorities for the Driscoll School Project.

It has been approved by the Commission at its meeting this week and is expected to be approved by the School Committee at their meeting next week. .

Please call or email with questions.

Thank you for the consideration of the above.

Cc: D. Bennett



TOWN of BROOKLINE
Massachusetts
BUILDING DEPARTMENT

Daniel F. Bennett
Building Commissioner

To: Select Board

From: Anthony Guigli, Project Manager

Date: 9 December 2020

Re: Water Garage Slab Repairs
Acme Waterproofing Company
Change Order #3, decrease \$30,000.00

Proposed Change Order #3 to the contract between the TOB and Acme Waterproffing Company in the amount of (\$30,000.00), is the net credit for added and deleted scope as described in the body of the change order itself.

Demolition activities revealed underslab wiring throughout which was an unknown condition. This resulted in a redesign of parts of the project while construction was underway. The proposed change order is the outcome of discussions between the contractor, design engineer and representatives of the Building Commission and staff

It has been approved by the Commission at its meeting this week.

Please call or email with questions.

Thank you for the consideration of the above.

Cc: D. Bennett F. Russell

3.E.



TOWN of BROOKLINE
Massachusetts

BUILDING DEPARTMENT

Daniel Bennett
Building Commissioner

TO: Selectboard/ School Committee

FROM: Ray Masak, PE Project Manager

SUBJECT: High School Expansion Project – Construction Management @ Risk (CM@R)
Skanska Change Order –Guaranteed Maximum Price (GMP) CO No.6/PCCO No.13

DATE: December 9, 2020

On the Calendar this week, the Building Department has submitted a request for Change Order for the construction management firm Skanska to perform the following services:

- PCCO No. 13 - \$628,419; 14 Misc. Changes

The HS expansion project was awarded to the contractor Skanska which was based on their qualifications. This package represents a change to the project. Refer to the Hill memo dated December 7, 2020 and the WRA memo dated December 4, 2020 for further explanation of the 14 items listed in this CO.

The Building Department is available to answer any questions you may have. Thank you for your consideration.

3.E.

TOWN OF BROOKLINE

333 Washington Street, Brookline, Massachusetts 02445

PURCHASE ORDER CHANGE FORM

INVOICE DATE: 07-Dec-20

TO:	Skanska USA Building Inc 101 Seaport Boulevard, Suite 200 Boston MA 02210
-----	---

Purchase Order Number
21911639

Vendor Number
55399

PAYMENT AMOUNT
\$628,419.00

REVISED BUDGET 148,238,374.00
-2017

FUND	ORGANIZATION	ACTIVITY	OBJECT
	2594C204		6C0002

FOR: Brookline High School Expansion

Amendment	Date	
GMP-CO #6	12/3/2020	PCCO No. 013 - Misc Changes (14 items) As per attached AIA Document signed by Skanska/William Rawn Associates

AMOUNT
\$628,419.00

BUILDING COMMISSION

APPROVAL OF:

Janet Fierman, Chairman

George Cole

Kenneth Kaplan

Karen Breslawski

Nathan E. Peck

SELECT BOARD

APPROVAL OF:

Bernard W. Greene, Chairman

Nancy S. Heller

Heather Hamilton

Raul Fernandez

John VanScoyoc

SCHOOL COMMITTEE

APPROVAL OF:

Mary Ellen Normen, Assistant Superintendent For Administration and Finance

JSZ

WILLIAM RAWN ASSOCIATES | Architects, Inc.

10 Post Office Sq.
Suite 1010
Boston, MA 02109
t. 617.423.3470
www.rawnarch.com

Ray Masak
Project Manager
Town of Brookline Building Department
Brookline Town Hall
333 Washington Street
Brookline, MA 02445

December 4, 2020

Project Name: Brookline High School Expansion Project

Re: December 2020 Building Commission Meeting – Change Order Summary

Cc: Andy Felix

Dear Ray,

Per the Commission's we have summarized change orders that exceed \$10,000 in advance of the meeting next Tuesday night.

200.068 Field Bulletin 009 – GMP Set \$332,318

- \$24,680 Canatal (Steel)
 - Steel detailing changes associated with the completion of the construction documents between July 1, 2019 (early structural package) and August 30, 2020 (final construction documents)
- \$276,870 The Dow Company (Sitework)
 - Site excavation changes associated with completion of design and construction documents between May 1, 2019 and August 30, 2020
 - Significant changes
 - Expanded scope due to MBTA plaza changes stemming from public meetings with commuters
 - Excavation and back fill associated with the completion of structural foundation drawings and below grade utilities
 - Finalized Brington Path Design including excavation for lighting bollards
 - Excavation for final landscape design: structural soils for trees

200.071 Elevator Hoistway Updates \$16,353

- Sweeney (Drywall)
 - Rated wall changes for jogging shaft wall around elevator guide rails that were added to the design documents.

200.106 Streetscape Revisions \$12,373

- The Dow Company (Sitework)
 - Trench drain and associated piping along Cypress Street sloped walk. Completion of design between May 1, 2019 and August 30, 2020
 - MBTA plaza design revisions made between May 1, 2019 and August 30, 2020

3.E.

200.103 Gas, Oil, and Sand Separator \$85,378

- The Dow Company (Sitework): \$36,233
 - Excavation and backfill for Gas, Oil, and Sand Separator inside the loading dock that was not included in the construction documents
- Amanti (Plumbing): \$41,058
 - Plumbing associated with the addition of the gas, oil, and sand separator

200.079 MBTA Bungalow Grading and EMR Rating Revisions \$11,419

- Sweeney (Drywall)
 - Furring walls changed to rated walls at the request of the State Building Inspector overseeing the MBTA platform. Rated walls required to protect people on the platform from the elevator control room.

400.046 OCS and Enabling – AR Change Request Settlement \$163,057

- Skanska Civil
 - MBTA parking pay meter duct bank routing. Pay meter location change from utility pole mounted to foundation mounted.
 - MBTA access delay
 - Concrete foundation below the MBTA parking pay meter. Meter was planned to be pad mounted.
 - Parking pay meter cabinet and foundation. Pay meter moved off of utility pole to cabinet with foundation
 - OCS portal foundation re-design
 - Re-scheduling of ductbank work north of the tracks due to limited access into the work zone.
 - Ductbank relocation north of the tracks due to helical pile foundations. Frost protected platforms were requested by the MBTA. Helical piles in lieu of conventional spreadfootings at 4' below grade were preferred to avoid support of excavation costs along the MBTA tracks. Frost protected platforms were a request from the MBTA's accessibility department to avoid frost heave and settlement.

Please let us know if you have any questions. We hope this summary helps make the change orders more understandable prior to the BBC meeting.

Sincerely,



Andy Jonic, AIA
Senior Associate
William Rawn Associates, Architects Inc.



Hill International

Hill International, Inc.
75 Second Avenue, Suite 300
Needham, MA 02494
Tel: 617-778-0900
Fax: 617-778-0999
www.hillintl.com

December 7, 2020

Mr. Ray Masak, P.E.
Project Manager
Town of Brookline Building Department
333 Washington Street
Brookline, MA 02445

RE: Recommendation to approve Skanska Change Order 006/PCCO 013

Dear Mr. Masak:

Under separate cover, Skanska USA Building Inc. is submitting original copies of Change Order 006/PCCO 013 for the Expansion of Brookline High School Project for acceptance by the Town of Brookline (ToB). It includes (14) separate Authorization Requests (AR's). Hill and WRA have previously reviewed, negotiated where applicable, and agree that all items listed in this Change Order are fair, reasonable for the described scope of work, and are compensable adjustments to the GMP. The result is a net add to the GMP of **\$628,419.00**.

Of the 14 AR's, (5) of the AR's are \$0 in value, (8) are added costs, and (1) credit. The AR's are categorized as follows:

- (1) AR is the result of Unforeseen Condition at MBTA platform that account for \$6,158.
- (1) AR for negotiation of early-release Subs affected by FB-09 that amount to \$332,318*
- (1) AR to reconcile the net cost increase to a GMP Allowance item that account for \$16,353.
- (1) AR to globally settle (7) separate ARs related to OCS/Enabling work that account for \$163,057*
- (1) AR for State Inspector Change that account for \$11,419.
- (4) AR's are for Design Issues (including credits/VE) that account for \$99,114.
- (5) AR's are expenditures from GMP allowances or holds changes that account for net \$0 increase to the GMP.

An itemized summary of CO #6/PCCO #13 is following:

AR #	CE #	Description	Current Amount	Reason Code
200.068	200.1018	Cypress - FB #9 GMP Set including foundation revisions, curtainwall and steel updates, and landscaping scope not included in the GMP	\$332,318.00	Final negotiated costs excluded from GMP*
200.071	200.1042	Cypress - FB #12 Elevator Hoistway Updates due to additional detailing per Elev. Shop dwgs	\$16,353.00	GMP Allowance reconciliation

3.E.

200.079	200.1145	Cypress - Field Bulletin 073 MBTA Bungalow Grading & EMR rating revisions as Directed by the State Building Inspector for the adjacent MBTA Station work	\$11,419.00	Third Party
200.093	200.1146	Cypress - FB #86 Irrigation Connections; detailing of irrigation system covered by an allowance	\$0.00	GMP Allowance
200.095	200.1137	Cypress - FB #82 RFI 181 Level 3 brick support; addition of steel support to accommodate brick façade	\$6,505.00	Design/fast track schedule
200.103	200.1132	Cypress - FB #080 RFI 147 Gas, Oil and Sand Separator; missed code required scope after coordination with Plumbing Inspector	\$85,378.00	Design Omission/Code issue*
200.106	200.1059	Cypress - FB #38 Streetscape Revisions including refinement of grading and drainage, widening of the sidewalk along Cypress and planting adjustments	\$12,373.00	Design
200.113	200.1199	CYPRESS - Rework Cypress Lagging for MBTA Pile Cap; remove and reinstall lagging to support pile cap work	\$0.00	GMP contingency
200.114	200.1201	CYPRESS - DOW Out of Sequence Work to backfill a portion of the MBTA portal pile cap concurrent with foundation backfill operations	\$0.00	GMP contingency
200.115	200.1182	CYPRESS - Field Bulletin 103 - Curtain Wall Updates; minor scope changes in curtain wall system	(\$5,142.00)	Design/VE
200.120	200.1164	CYPRESS - Field Bulletin 074 - Rated Walls and ductwork Coordination; no cost change due to MEP coordination	\$0.00	Design
300.095R1	300.1137	STEM - T3 Opening in Existing Concrete Wall: door opening was required to be relocated and cut in an existing concrete wall due to locations of utilities.	\$0.00	GMP contingency
400.036	400.1070	Station New Frame and Cover Uncharted Hand Hole RFI 77; a manhole was discovered during excavation which triggered adjustment of the rim height to finish grade	\$6,158.00	MBTA Unforeseen
400.046	400.1089	MBTA OCS & Enabling - AR Change Request Settlement; final settlement of the OCS & Enabling contract work including a 2019 delay claim, misc. scope changes, and alternative portal foundations	\$163,057.00	Negotiated settlement for misc. changes*

3.E.

*Change order items noted above are further explained below:

- **AR #200.068, \$332,318** – Refer to attached excerpt from Hill's August Monthly Report pages 3 & 4 explaining why specific cost items were excluded from the Final GMP. In Fall 2019, Skanska's potential change log initially forecasted \$285,000 for this AR. By May 2020, Skanska's log had incrementally projected an increase of at least \$524,690 as they presumably continued to receive unvetted costs from the Subs. Finally, Skanska formally submitted for review detailed AR costs to Hill and WRA on 6/24/20 in the amount of \$424,280 which was *too late* for us to vet/agree upon a value to include in the final GMP executed at the 7/14/20 BBC; therefore this AR was excluded as listed in GMP Exhibit I. After months of several meetings and discussions, WRA/Hill negotiated this AR down to \$332,318, which ultimately is a \$91,962 net savings. So WRA and Hill's due diligence, ultimately saved costs for ToB.
- **AR #400.046, \$163,057** – This AR represents a global settlement of (7) separate cost items, of which (5) were entitled changes and (2) were partially disputed. The cumulative amount of the (7) AR originally submitted was \$402,482. After several back/forth negotiating meetings, the Team finally agreed to a ~6% discount to globally settle all (7) requested changes. That discounted cost was then further offset by \$189,140 of unused allowances, holds and contingencies already within Skanska Civil's subcontract that Hill agreed could be reallocated. Skanska Building further contributed a \$9,000 reduction from their own unused balance of a GMP Hold line item. In summary, the global settlement amount of \$163,057 is a 40.5% reduction compared to the initially submitted individual costs.

Based on the above, Hill recommends to ToB approval of Change Order 006/PCCO #13 to the GMP.

Very truly yours,



Andy Felix, MCPPO
Project Director

Town of Brookline Brookline High School Expansion Project



how much work can get put in place. Hill drafted a 2nd Notice letter for ToB that was sent to MBTA on August 24th regarding the lack of support. On Thus August 27th afternoon with very little advance notice, MBTA said that there was weeknight access approval from Mon August 31st thru Thus September 3rd. With such short notice and only (4) weeknights approved, Skanska Civil could not mobilize with those limitations week of August 31st. MBTA has not yet responded or further elaborated if the potential Oct-Nov weekend diversions and other weeknight access diversions are available to our project.

OBJECTIVES FOR SEPTEMBER 2020

- 22 Tappan Building – Continue site utilities, particularly extension of electrical ductbank (pending Eversource) from Boylston Street (route 9) to the 22 Tappan Building. Complete building structural steel erection and start concrete slabs on upper floors.
- OCS & Enabling –Remaining OCS punch list work, switch-over from temporary to permanent station power, and glastic panels on Hold; continues to be delayed with no MBTA diversion support in August 2020. However, we are still awaiting approved MBTA shut-downs so our work can resume.
- Brookline Hills Station – Work on Hold; continues to be delayed with no MBTA diversion support in August 2020. However, we are still awaiting approved MBTA shut-downs so our work can resume.
- STEM – Complete steel erection and start concrete work on upper floors.

BUDGET

The total project budget approved by the Town of Brookline is \$205.6 million. The total project budget was to pay for the construction and soft costs for the new 22 Tappan building, Tappan renovation and addition, STEM Building addition, Third Floor renovation of the high school, several deferred maintenance items, MBTA improvements and the Cypress Field. The Cypress Field work is a separate project within the approved budget.

Skanska's GMP work is only for STEM, 22 Tappan, Elevator Modernization and MBTA Station Improvements. Tappan Gym, 3rd Floor Old Science Renovation, and Deferred Maintenance will be bid separately via the MGL Ch 149 process beginning September 2nd with bids due the latest on October 7, 2020, just in time for supporting the anticipated Fall Town Meeting Warrant Article to increase project budget to cover these other areas of the project.

To clarify BBC question at the last meeting as to why items such as those in Change Order #2 (PCCO #9) were not included in the GMP, we provide following explanation:

- The Owner/CM Contract required a GMP after the Trade Bids results, which meant the GMP was intended to be based on, at a minimum, the 100% CD bid sets as the baseline scope.

attachment to Hill 12/7/20 letter re: GMP CO #6

**Town of Brookline
Brookline High School Expansion Project**

**HILL
Hill International**

attachment to Hill 12/7/20 letter re: GMP CO #6

- In order not to further complicate the GMP and blur the line between the “100% CD baseline scope” vs several changes after those 100% CDs were issued, we recommended to hold off and exclude changes that Skanska had logged as of July 8, 2020 of approximately \$4.6 million (according to GMP Exhibit I) because they were not yet vetted or reviewed for merit. Due to the fluidity of that list of “potential” changes and whether or not they were valid changes to the base GMP scope (except for known subsequent CCDs/Bulletins or cost events), we did not recommend rolling in those unvetted costs into the GMP. At GMP time, Hill and WRA did not have enough financial back-up to Exhibit I items from Skanska to substantiate what was indeed valid scope changes, what should already be covered within the GMP, or what should be rejected. We think this was the more prudent approach. As a side note, the GMP did include other previously negotiated and approved changes reflected in Pre-GMPs #12b thru #18b (PCCOs #1 thru #6; see GMP Exhibit J).
- As indicated in Exhibits A & C of the Final GMP, only select Field Bulletins issued subsequent to the 100% CDs/Addenda were incorporated into the GMP because those specific Field Bulletins were deemed pertinent to establish the competitive base bid for certain affected Subs/Trades.
- Similar to the vetting and negotiating process with prior Pre-GMPs #12b thru #18b, GMP CO #1 and CO #2, the Hill/WRA team continues to push thru resolution and validation of the remaining potential changes to the GMP scope (in vs out) before anything gets presented to the BBC.

ToB and Hill are continuing discussions with MBTA in an effort to get schedule and cost certainty, but the MBTA’s recent lack of support for project diversions and uncertain dates for diversions this fall will further impact cost and certainty for that part of the project.

SCHEDULE

Hill received a schedule update from Skanska with a data date of August 6, 2020. A summary of the schedules is below. In the weekly OAC meetings in August, Skanska indicated that the updates show that they are falling behind on structural steel and attribute the cause to a lack of manpower because the steel erector is working at both STEM and 22 Tappan concurrently, that Skanska said was not planned. Skanska said the steel erector is working more hours at their expense, however they report being understaffed and that they are getting further behind. Skanska reported that they are seeking more manpower including from other sources to respond to this problem.

Highlights from activities in the Skanska construction schedule that is in the GMP are below.

- The 22 Tappan St (Cypress) Building construction started in July 2019. The GMP Substantial Completion date is November 15, 2021. The August 6, 2020 update shows this slipping to November 19, 2020. In August, steel erection continued southward and included the canopy on the Tappan Street (north side).

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Change Order

PROJECT: <i>(Name and address)</i> Expansion of Brookline High School, (Project A and Project B)	CONTRACT INFORMATION: Contract For: Construction	CHANGE ORDER INFORMATION: Change Order Number: 006
Brookline, MA 02445	Date: July 24, 2018	Date: December 3rd, 2020
OWNER: <i>(Name and address)</i> Town of Brookline, Massachusetts, by and through the Board of Selectmen of Brookline 333 Washington Street, Brookline, MA 02445	ARCHITECT: <i>(Name and address)</i> William Rawn Associates Architects Inc. 10 Post Office Square, Suite 1010, Boston, Massachusetts 02109	CONTRACTOR: <i>(Name and address)</i> Skanska USA Building Inc. 101 Seaport Boulevard, Suite 200, Boston, MA 02210

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

PCCO No. 013: \$628,419

Neither the adjustments to the Contract Price nor the Contract Time upon which this PCCO is based contemplates any project delays, suspensions, disruptions, cost escalations or other impacts caused, directly or indirectly, by the Pandemic (as defined in the GMP), as such cost adjustment to the Contract Sum and GMP shall be reconciled in accordance with the Owner Pandemic Allowance. Skanska further reserves all rights to request adjustment of the Contract Time as a result of the Pandemic Standards and in connection with this PCCO. Skanska will make every reasonable effort to provide the required documentation and notice in accordance with this Contract, however, Skanska may not be able to meet the contractual deadlines due to circumstances outside of Skanska's control.

The original Contract Sum was
The net change by previously authorized Change Orders
The Contract Sum prior to this Change Order was
The Contract Sum will be increased by this Change Order in the amount of
The new Contract Sum including this Change Order will be

\$	476,928
\$	147,944,728
\$	148,421,656
\$	628,419
\$	149,050,075

The Contract Time will be unchanged by Zero (0) days.
The new date of Substantial Completion will be November 15, 2021

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.



Date: 12/3/2020

Prime Contract Change Order Number 013

Brookline High School

Project # 1318014

Skanska USA Building Inc.

To Contractor:

Skanska USA Building Inc.

The Contract is hereby revised by the following items:

GMP CO 006: Approved Authorization Requests 12/3/20

AR	CE	Description		Amount
200.068	200.1018	CYPRESS - Field Bulletin 009 - GMP Set (Includes 9.1-9.6)	\$	332,318.00
200.071	200.1042	CYPRESS - Field Bulletin 012 - Elevator Hoistway Updates	\$	16,353.00
200.106	200.1059	CYPRESS - Field Bulletin 038 - Streetscape Revisions	\$	12,373.00
200.103	200.1132	CYPRESS - Field Bulletin 080 - RFI-147 - Gas, Oil, and Sand Separator	\$	85,378.00
200.095	200.1137	CYPRESS - Field Bulletin 082 - RFI-181 Level 3 Brick Support Revisions	\$	6,505.00
200.079	200.1145	CYPRESS - Field Bulletin 073 - MBTA Bungalow Grading & EMR Rating Revisions	\$	11,419.00
200.093	200.1146	CYPRESS - Field Bulletin 086 - Irrigation Connections (PR Portion)	\$	0.00
200.120	200.1164	CYPRESS - Field Bulletin 074 - Rated Walls and ductwork Coordination	\$	0.00
400.036	400.1070	Station New Frame and Cover Uncharted Hand Hole RFI 77 Rev 1	\$	6,158.00
300.095	300.1137	STEM - T3 Opening in Existing Concrete Wall	\$	0.00
200.115	200.1182	CYPRESS - Field Bulletin 103 - Curtain Wall Updates	-\$	5,142.00
200.113	200.1199	CYPRESS - Rework Cypress Lagging for MBTA Pile Cap	\$	0.00
200.114	200.1201	CYPRESS - DOW Out of Sequence Work	\$	0.00
400.046	400.1089	MBTA OCS & Enabling - AR Change Request Settlement	\$	163,057.00
			Total	\$628,419

Printed on: 12/3/2020

Page 1 of 1



TOWN of BROOKLINE
Massachusetts

BUILDING DEPARTMENT

Daniel Bennett
Building Commissioner

TO: Selectboard

FROM: Ray Masak, PE Project Manager

SUBJECT: Harry Downes Field House Renovation – CO No. 3 Approval

DATE: December 14, 2020

On the Calendar this week, the Building Department has submitted a request for Change Order Approval for the subject project in the amount of \$1,255.

The subject project was approved as part of the Harry Downes Park Renovations and was awarded to Vintage Properties in the amount of \$260,799. The change consists of 1 item:

- CO No.3: Add Power Source to Door Operators

The architect reviewed the change order and is recommending approval. Based upon the architect's recommendation, we are requesting approval of CO No.3.

Thank you for your consideration.

3.F.

TOWN OF BROOKLINE

333 Washington Street, Brookline, Massachusetts 02146

PURCHASE ORDER CHANGE FORM

INVOICE DATE; 09-Dec-20

TO:	Vintage Properties, Inc 148 Country Drive Weston MA 02493
-----	---

Purchase Order Number
22008765

Vendor Number
57883

Payment Amount
\$1,255.00

BUDGET \$260,799.00
BALANCE \$262,054.00

FUND	AGENCY	ORGANIZATION	ACTIVITY	OBJECT
		4997C201		6C0007
		4917K120		6B0094

FOR: Harry Downes Field House Renovation

Change Order	Date	
CO No. 3	12/7/2020	Power Source to the door operator

AMOUNT
\$1,255.00

BOARD OF SELECTMEN

APPROVAL OF:

Bernard W. Greene, Chairman

Nancy S. Heller

Heather Hamilton

Raul Fernandez

John VanScoyoc

DPW

APPROVAL OF:

Erin Gallentine, Commissioner



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Change Order

PROJECT: <i>(Name and address)</i> HARRY DOWNES FIELD HOUSE RENOVATION 34 HIGHLAND RD BROOKLINE, MA 02445	CHANGE ORDER NUMBER: 03	OWNER <input type="checkbox"/>
TO CONTRACTOR: <i>(Name and address)</i> VINTAGE PROPERTIES, INC. 148 COUNTRY DRIVE WESTON, MA 02493	DATE: 12/07/2020	ARCHITECT <input type="checkbox"/>
	ARCHITECT'S PROJECT NUMBER:	CONTRACTOR <input type="checkbox"/>
	CONTRACT DATE:	FIELD <input type="checkbox"/>
	CONTRACT FOR: HARRY DOWNES FIELD HOUSE RENOVATION	OTHER <input type="checkbox"/>

The Contract is changed as follows:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives.)

SEE THE ATTACHED APPROVED CHANGE ORDER SUBMITTAL.

COP #3 - \$1,255

WIRE THREE DOOR OPENERS

V-57883 2917120 680094

The original <u>[Contract Sum]</u> (Guaranteed Maximum Price) was	\$ 260,799.00
The net change by previously authorized Change Orders	\$ 4,843.00
The <u>[Contract Sum]</u> (Guaranteed Maximum Price) prior to this Change Order was	\$ 265,642.00
The <u>[Contract Sum]</u> (Guaranteed Maximum Price) will be <u>increased</u> (decreased) (unchanged) by this Change Order in the amount of	\$ 1,255.00
The new <u>[Contract Sum]</u> (Guaranteed Maximum Price), including this Change Order, will be	\$ 266,897.00
The Contract Time will be (increased) (decreased) <u>(unchanged)</u> by () days.	
The date of Substantial Completion as of the date of this Change Order, therefore, is	

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

TOULOUKIAN TOULOUKIAN INC.	VINTAGE PROPERTIES, INC.	
ARCHITECT <i>(Firm name)</i>	CONTRACTOR <i>(Firm name)</i>	OWNER <i>(Firm name)</i>
151 PEARL ST 2ND FLOOR BOSTON, MA 02110	148 COUNTRY DRIVE WESTON, MA 02493	
ADDRESS	ADDRESS	ADDRESS
BY <i>(Signature)</i>	BY <i>(Signature)</i>	BY <i>(Signature)</i>
THEODORE TOULOUKIAN, AIA		
<i>(Typed name)</i>	<i>(Typed name)</i>	<i>(Typed name)</i>
12/07/2020		
DATE	DATE	DATE

CAUTION: You should sign an original AIA Contract Document, on which this text appears in RED. An original assures that changes will not be obscured.

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Date: 12/04/20

Page: 44

3.F.

Hub Electric Inc.

10 Draper Street, Unit 19

Woburn, Massachusetts 01801

Telephone: (781) 938-5200

Extra Work Order #2

Client Address:
Vintage Properties, Inc. 148 Country Drive Weston, MA 02493

Date	Estimate
12/3/2020	5856

Project
Harry Downes Field House Renovations

Description	Rate	Qty	Total
Town of Brookline, MA Harry Downs Field House Renovations			
Scope of Work: Wire 3 Handicap door openers.			
Electrical Labor	82.98	8	663.84
Insurance Burden 35%	663.84	0.35	232.34
Asbuilts Upgrade	100.00	1	100.00
Profit 10%	996.18	0.1	99.62
Overhead 10%	996.18	0.1	99.62

Extra Work Order being submitted by: Hub Electric Inc.	Total	\$1,195.42
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All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements contingent upon delays beyond our control. Purchaser agrees to pay all collection, including attorney's fees. This extra work order may be withdrawn by Hub Electric Inc. if not accepted with in 15 days. All terms COD and upon approved credit references.

Authorized Signature	Acceptance Signature	Date
-------------------------	-------------------------	------



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, Secretary & CEO
Jonathan L. Gulliver, Highway Administrator

3.G.



December 11, 2020

Pedestrian Bridge Rehabilitation, B-27-016, Over MBTA off Carlton
Re-Advertised Project
Agreement Number 109121A
(Non-Participating Agreement)

Town of Brookline
Brookline DPW
333 Washington Street
4th Floor
Brookline, MA 02445
Attn: William L. Smith-Construction Project Coordinator

Dear Mr. Smith:

Enclosed please find a copy of Agreement number 109121A between the Massachusetts Department of Transportation – Highway Division (MassDOT) and the Municipality of Brookline relative to future maintenance for the above- mentioned project. The project was re-advertised and the Non-participating items were decreased.

Please have both Agreements signed by an authorized signatory in addition to the Contractor Authorized Signatory Listing Form. **Please sign the agreement and the contractor form and return the entire package to this office within 7 days to:**

Guy Rezendes, P.E.
Massachusetts Highway Department
Ten Park Plaza – Room 6340
Boston, MA 02116

The Department requires an original signature on each of the Contract Forms. The fully executed agreements will be dated after signed by all parties. Please do not date page one of the agreement as it is not fully executed until signed by all parties.

If you have any questions or comments, please direct them to the MassDOT Project Manager, Guatam Sen, Guatam.Sen@dot.state.ma.us

Sincerely,

Guy F. Rezendes, P.E.
State Utilities Engineer

Enclosures

Agreement Number: 109121A

Agreement made this of 2019, by and between the MASSACHUSETTS DEPARTMENT OF TRANSPORTATION, hereinafter called "MassDOT", and the MUNICIPALITY OF Brookline hereinafter called the "Municipality".

WHEREAS, MassDOT proposes Pedestrian Bridge Rehabilitation, B-27-016, Over MBTA off Carlton (hereinafter referred to as the "Project"), in the Municipality of Brookline in said Commonwealth, and

WHEREAS, the Municipality desires MassDOT, in conjunction with the Project, to make replacement and related work improvements for Pedestrian Bridge Rehabilitation, B-27-016, Over MBTA off Carlton. The contract items to install said improvements are attached and hereinafter called NON-PARTICIPATING WORK, and

WHEREAS, the plans and specifications for the said Project and the NON-PARTICIPATING WORK desired by the Municipality, meets with approval of the Municipality and are on file in records of MassDOT.

NOW THEREFORE, in consideration thereof, MassDOT and the Municipality hereby agree as to the apportionment of the work, the expense, ownership and future maintenance of the above-mentioned NON-PARTICIPATING WORK as follows:

DIVISION OF WORK

MassDOT, by its own contractor, will furnish on behalf of the Municipality necessary labor, materials, equipment and other services for the above-mentioned NON-PARTICIPATING WORK.

Preliminary estimates of items and quantities of work prepared by MassDOT which are necessary for the NON-PARTICIPATING WORK, is attached hereto and made a part hereof.

The terms of this agreement incorporate by reference the Project's construction contract special provisions and MassDOT's Standard Specifications for Highways and Bridges, as amended. The Municipality hereby agrees to be bound by any decision by MassDOT concerning the Standard Specifications and Special Provisions referenced.

3.G.

Any and all approvals made by MassDOT during the Project's design review shall not relieve the Municipality's responsibilities for design errors and/or omissions that are related to the said Non-Participating Work.

DIVISION OF EXPENSE

In consideration of the benefits to be derived by the Municipality from the NON-PARTICIPATING WORK, the Municipality agrees to pay in amounts equal to the bid prices, of MassDOT's Contractor, for the actual quantities of the NON-PARTICIPATING WORK.

Pursuant to the applicable provisions of M.G.L. Chapter 44, the Municipality has appropriated or identified the funds necessary to construct the NON-PARTICIPATING WORK

The following costs relating to the above NON-PARTICIPATING WORK shall also be borne by the Municipality:

1. Extra work orders initiated at the request of the Municipality or its duly authorized official.
2. Claims for "changed conditions" pursuant to M.G.L. c.30§39N arising out of the NON-PARTICIPATING WORK. MassDOT shall promptly notify the Municipality upon receipt of such claims.
3. Interest charges on Contractor payments levied pursuant to M.G.L. c.30§39G.
4. Any and all construction increases that are related to the NON-PARTICIPATING WORK. The said cost increases shall include, but are not limited to (1) Extra work, (2) changed conditions, (3) traffic police, (4) item overruns, and (5) design errors and/or omissions.

Payments to be made by the Municipality are to be made directly to MassDOT's Contractor at such times and in such amounts as specified in written orders from MassDOT to the Municipality.

3.G.

FUTURE MAINTENANCE

The Municipality's representative shall be made available to attend MassDOT's final inspection of the Project. When all punch items identified as part of the final inspection are addressed to the satisfaction of MassDOT, MassDOT shall notify the Municipality in writing that the Project has been completed. Upon such date of notification, the Municipality shall be responsible hereafter for the maintenance and preservation for said NON-PARTICIPATING WORK including any additional work items undertaken in accordance with this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

**PATRICIA A. LEAVENWORTH, P.E.
CHIEF ENGINEER**

TOWN OF BROOKLINE

(Signature)

(Name-Printed)

(Title)

3.G.

Office Estimate

By Funding Breakouts

Project # : 606316
District : 6
Location : BROOKLINE
Description : BROOKLINE- PEDESTRIAN BRIDGE REHABILITATION, B-27-016, OVER MBTA OFF CARLTON STREET
Funding Description : Other - Municipality (Non-Participating)

Item #	Item Description	Unit	Unit Price	Quantity	Total
804.2	2 INCH ELECTRICAL CONDUIT TYPE NM - PLASTIC (UL)	FT	\$41.000	60	\$2,460.00
804.3	3 INCH ELECTRICAL CONDUIT TYPE NM - PLASTIC -(UL)	FT	\$46.000	230	\$10,580.00
808.1	* 1 INCH ELECTRICAL CONDUIT TY RM - STEEL - (PLASTIC COATED)	FT	\$51.000	450	\$22,950.00
808.2	2 INCH ELECTRICAL CONDUIT TY RM - STEEL - (PLASTIC COATED)	FT	\$60.000	300	\$18,000.00
811.22	ELECTRIC HANDHOLE - SD2.022	EA	\$1,000.000	6	\$6,000.00
812.09	* LIGHT STANDARD FOUNDATION PRECAST	EA	\$1,776.000	5	\$8,880.00
813.40	WIRE TYPE 8 NO. 10 DIRECT BURIAL	FT	\$2.000	1,700	\$3,400.00
813.42	WIRE TYPE 8 NO. 6 DIRECT BURIAL	FT	\$2.700	1,100	\$2,970.00
813.521	* WIRE TYPE 10 NO. 10 GROUNDING AND BONDING	FT	\$2.000	220	\$440.00
813.522	* WIRE TYPE 10 NO. 6 GROUNDING AND BONDING	FT	\$2.700	350	\$945.00
820.14	* BRIDGE LIGHTING AND GROUNDING SYSTEM	LS	\$47,050.000	1	\$47,050.00
821.101	* ORNAMENTAL CAST ALUMINUM LAMP POST	EA	\$10,000.000	5	\$50,000.00
823.101	* ORNAMENTAL HIGHWAY LIGHTING LUMINAIRE - ACORN	EA	\$3,000.000	5	\$15,000.00
823.42	* DUAL POWER SUPPLY VAULT FOR BRIDGE STEP LIGHTING	EA	\$2,100.000	1	\$2,100.00
823.60	HIGHWAY LIGHTING LOAD CENTER	LS	\$27,000.000	1	\$27,000.00
823.72	* POLE AND LUMINAIRE REMOVED AND DISPOSED	EA	\$1,500.000	1	\$1,500.00
Other - Municipality (Non-Participating) Total:					\$219,275.00

* Non-Standard Item

Project # : 606316
Location : BROOKLINE
District : 6
Description : BROOKLINE- PEDESTRIAN BRIDGE REHABILITATION, B-27-016, OVER MBTA OFF CARLTON STREET

Bids Open Date : 27 Oct 2020

Contract # : 112791

Item #	Quantity	Units	Description	Unit Price	Office Estimate		AETNA BRIDGE COMPANY	
					Amount	Unit Price	Amount	Amount
100.	1.000	LS	SCHEDULE OF OPERATIONS - FIXED PRICE \$28400	\$28,000.00	\$28,000.00	\$28,000.00	\$28,000.00	\$28,000.00
100.78	1.000	LS	MISCELLANEOUS AND ORNAMENTAL IRON WORK	\$466,000.00	\$466,000.00	\$700,000.00	\$700,000.00	\$700,000.00
102.1	285.000	FT	TREE TRIMMING	\$30.00	\$8,550.00	\$15.00	\$4,275.00	\$4,275.00
102.511	26.000	EA	TREE PROTECTION – ARMORING & PRUNING	\$300.00	\$7,800.00	\$300.00	\$7,800.00	\$7,800.00
102.521	215.000	FT	TREE AND PLANT PROTECTION FENCE	\$10.00	\$2,150.00	\$8.00	\$1,720.00	\$1,720.00
106.87	1.000	LS	JACKING SUPERSTRUCTURE	\$436,000.00	\$436,000.00	\$264,000.00	\$264,000.00	\$264,000.00
107.941	1,636.000	SF	ALUMINUM GRATING FOR WALK	\$40.00	\$65,440.00	\$80.00	\$130,880.00	\$130,880.00
107.96	1.000	LS	STRUCTURAL STEEL REPAIRS	\$363,000.00	\$363,000.00	\$600,000.00	\$600,000.00	\$600,000.00
107.97	10,745.000	LB	STRUCTURAL STEEL REPAIRS	\$15.00	\$161,175.00	\$16.00	\$171,920.00	\$171,920.00
107.98	1.000	LS	TEMPORARY STEEL BRACING	\$115,000.00	\$115,000.00	\$75,000.00	\$75,000.00	\$75,000.00
120.1	194.000	CY	UNCLASSIFIED EXCAVATION	\$50.00	\$9,700.00	\$50.00	\$9,700.00	\$9,700.00
140.	400.000	CY	BRIDGE EXCAVATION	\$50.00	\$20,000.00	\$60.00	\$24,000.00	\$24,000.00
141.1	28.000	CY	TEST PIT FOR EXPLORATION	\$200.00	\$5,600.00	\$120.00	\$3,360.00	\$3,360.00
144.	15.000	CY	CLASS B ROCK EXCAVATION	\$135.00	\$2,025.00	\$200.00	\$3,000.00	\$3,000.00
151.	187.000	CY	GRAVEL BORROW	\$48.00	\$8,976.00	\$65.00	\$12,155.00	\$12,155.00
151.1	77.000	CY	GRAVEL BORROW FOR BRIDGE FOUNDATION	\$50.00	\$3,850.00	\$75.00	\$5,775.00	\$5,775.00
151.2	155.000	CY	GRAVEL BORROW FOR BACKFILLING STRUCTURES AND PIPES	\$50.00	\$7,750.00	\$70.00	\$10,850.00	\$10,850.00
180.01	1.000	LS	ENVIRONMENTAL HEALTH AND SAFETY PROGRAM	\$4,800.00	\$4,800.00	\$15,000.00	\$15,000.00	\$15,000.00
180.02	16.000	HR	PERSONAL PROTECTION LEVEL C UPGRADE	\$10.00	\$160.00	\$20.00	\$320.00	\$320.00
180.03	40.000	HR	LICENSED SITE PROFESSIONAL SERVICES	\$150.00	\$6,000.00	\$100.00	\$4,000.00	\$4,000.00
181.11	333.000	TON	DISPOSAL OF UNREGULATED SOIL	\$35.00	\$11,655.00	\$30.00	\$9,990.00	\$9,990.00
181.12	55.000	TON	DISPOSAL OF REGULATED SOIL - IN-STATE FACILITY	\$65.00	\$3,575.00	\$65.00	\$3,575.00	\$3,575.00
181.13	28.000	TON	DISPOSAL OF REGULATED SOIL - OUT-OF-STATE FACILITY	\$120.00	\$3,360.00	\$120.00	\$3,360.00	\$3,360.00
181.14	28.000	TON	DISPOSAL OF HAZARDOUS WASTE	\$475.00	\$13,300.00	\$370.00	\$10,360.00	\$10,360.00
184.1	1.000	TON	DISPOSAL OF TREATED WOOD PRODUCTS	\$435.00	\$435.00	\$300.00	\$300.00	\$300.00
191.	122.000	FT	DRIVE SAMPLE BORING	\$50.00	\$6,100.00	\$75.00	\$9,150.00	\$9,150.00

3.G. Bid Tabulations

Project # : 606316
Location : BROOKLINE
District : 6
Description : BROOKLINE- PEDESTRIAN BRIDGE REHABILITATION, B-27-016, OVER MBTA OFF CARLTON STREET

Bids Open Date : 27 Oct 2020
Contract # : 112791

Item #	Quantity	Units	Description	Unit Price	Office Estimate	AETNA BRIDGE COMPANY	
					Amount	Unit Price	Amount
193.	1.000	LS	MOBILIZATION AND DISMANTLING OF BORING EQUIPMENT	\$800.00	\$800.00	\$2,000.00	\$2,000.00
358.	3.000	EA	GATE BOX ADJUSTED	\$225.00	\$675.00	\$250.00	\$750.00
450.22	162.000	TON	SUPERPAVE SURFACE COURSE – 9.5 (SSC – 9.5)	\$185.00	\$29,970.00	\$180.00	\$29,160.00
450.32	101.000	TON	SUPERPAVE INTERMEDIATE COURSE - 19.0 (SIC - 19.0)	\$150.00	\$15,150.00	\$220.00	\$22,220.00
452.	100.000	GAL	ASPHALT EMULSION FOR TACK COAT	\$10.00	\$1,000.00	\$10.00	\$1,000.00
453.	34.000	FT	HMA JOINT SEALANT	\$1.50	\$51.00	\$20.00	\$680.00
645.148	30.000	FT	48 INCH CHAIN LINK FENCE (PIPE TOP RAIL) VINYL COATED (LINE POST OPTION)	\$50.00	\$1,500.00	\$50.00	\$1,500.00
645.172	149.000	FT	72 INCH CHAIN LINK FENCE (PIPE TOP RAIL) VINYL COATED (LINE POST OPTION)	\$40.00	\$5,960.00	\$60.00	\$8,940.00
650.072	12.000	FT	72 INCH CHAIN LINK GATE WITH GATE POSTS	\$200.00	\$2,400.00	\$190.00	\$2,280.00
657.	1,120.000	FT	TEMPORARY FENCE	\$15.00	\$16,800.00	\$30.00	\$33,600.00
665.2	265.000	FT	CHAIN LINK FENCE REMOVED AND DISPOSED	\$10.00	\$2,650.00	\$15.00	\$3,975.00
697.1	2.000	EA	SILT SACK	\$200.00	\$400.00	\$250.00	\$500.00
701.	93.000	SY	CEMENT CONCRETE SIDEWALK	\$60.00	\$5,580.00	\$80.00	\$7,440.00
706.3	1.000	LS	GRANITE STEPS	\$33,815.00	\$33,815.00	\$50,000.00	\$50,000.00
740.	15.000	MO	ENGINEERS FIELD OFFICE AND EQUIPMENT (TYPE A)	\$3,626.00	\$54,390.00	\$4,500.00	\$67,500.00
748.	1.000	LS	MOBILIZATION	\$99,750.00	\$99,750.00	\$100,000.00	\$100,000.00
751.	265.000	CY	LOAM BORROW	\$60.00	\$15,900.00	\$50.00	\$13,250.00
765.	2,500.000	SY	SEEDING	\$2.00	\$5,000.00	\$2.00	\$5,000.00
767.121	340.000	FT	SEDIMENT CONTROL BARRIER	\$8.00	\$2,720.00	\$7.00	\$2,380.00
804.2	60.000	FT	2 INCH ELECTRICAL CONDUIT TYPE NM - PLASTIC (UL)	\$41.00	\$2,460.00	\$45.00	\$2,700.00
804.3	230.000	FT	3 INCH ELECTRICAL CONDUIT TYPE NM - PLASTIC - (UL)	\$46.00	\$10,580.00	\$45.00	\$10,350.00
808.1	450.000	FT	1 INCH ELECTRICAL CONDUIT TY RM - STEEL - (PLASTIC COATED)	\$51.00	\$22,950.00	\$65.00	\$29,250.00
808.2	300.000	FT	2 INCH ELECTRICAL CONDUIT TY RM - STEEL - (PLASTIC COATED)	\$60.00	\$18,000.00	\$80.00	\$24,000.00

3.G. Bid Tabulations

Project # : 606316
Location : BROOKLINE
District : 6
Description : BROOKLINE- PEDESTRIAN BRIDGE REHABILITATION, B-27-016, OVER MBTA OFF CARLTON STREET

Bids Open Date : 27 Oct 2020
Contract # : 112791

Item #	Quantity	Units	Description	Unit Price	Office Estimate	AETNA BRIDGE COMPANY	
					Amount	Unit Price	Amount
811.22	6.000	EA	ELECTRIC HANDHOLE - SD2.022	\$1,000.00	\$6,000.00	\$1,500.00	\$9,000.00
812.09	5.000	EA	LIGHT STANDARD FOUNDATION PRECAST	\$1,776.00	\$8,880.00	\$2,700.00	\$13,500.00
813.40	1,700.000	FT	WIRE TYPE 8 NO. 10 DIRECT BURIAL	\$2.00	\$3,400.00	\$1.30	\$2,210.00
813.42	1,100.000	FT	WIRE TYPE 8 NO. 6 DIRECT BURIAL	\$2.70	\$2,970.00	\$2.65	\$2,915.00
813.521	220.000	FT	WIRE TYPE 10 NO. 10 GROUNDING AND BONDING	\$2.00	\$440.00	\$1.30	\$286.00
813.522	350.000	FT	WIRE TYPE 10 NO. 6 GROUNDING AND BONDING	\$2.70	\$945.00	\$2.65	\$927.50
820.14	1.000	LS	BRIDGE LIGHTING AND GROUNDING SYSTEM	\$47,050.00	\$47,050.00	\$40,000.00	\$40,000.00
821.101	5.000	EA	ORNAMENTAL CAST ALUMINUM LAMP POST	\$10,000.00	\$50,000.00	\$6,000.00	\$30,000.00
823.101	5.000	EA	ORNAMENTAL HIGHWAY LIGHTING LUMINAIRE - ACORN	\$3,000.00	\$15,000.00	\$2,500.00	\$12,500.00
823.42	1.000	EA	DUAL POWER SUPPLY VAULT FOR BRIDGE STEP LIGHTING	\$2,100.00	\$2,100.00	\$2,500.00	\$2,500.00
823.60	1.000	LS	HIGHWAY LIGHTING LOAD CENTER	\$27,000.00	\$27,000.00	\$25,000.00	\$25,000.00
823.72	1.000	EA	POLE AND LUMINAIRE REMOVED AND DISPOSED	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00
832.	24.000	SF	WARNING-REGULATORY AND ROUTE MARKER - ALUMINUM PANEL (TYPE A)	\$15.00	\$360.00	\$20.00	\$480.00
847.1	12.000	EA	SIGN SUP (N/GUIDE)+RTE MKR W/1 BRKWAY POST ASSEMBLY - STEEL	\$150.00	\$1,800.00	\$200.00	\$2,400.00
852.	170.000	SF	SAFETY SIGNING FOR TRAFFIC MANAGEMENT	\$15.00	\$2,550.00	\$35.00	\$5,950.00
853.1	12.000	EA	PORTABLE BREAKAWAY BARRICADE TYPE III	\$130.00	\$1,560.00	\$50.00	\$600.00
853.22	150.000	FT	TEMPORARY CONCRETE BARRIER WITH FENCE	\$70.00	\$10,500.00	\$60.00	\$9,000.00
853.221	150.000	FT	TEMPORARY CONCRETE BARRIER WITH FENCE REMOVED	\$20.00	\$3,000.00	\$30.00	\$4,500.00
853.8	6.000	DAY	TEMPORARY ILLUMINATION FOR WORK ZONE	\$300.00	\$1,800.00	\$400.00	\$2,400.00
901.	307.000	CY	4000 PSI, 1.5 INCH, 565 CEMENT CONCRETE	\$600.00	\$184,200.00	\$1,000.00	\$307,000.00
910.	10,605.000	LB	STEEL REINFORCEMENT FOR STRUCTURES	\$2.60	\$27,573.00	\$4.00	\$42,420.00
943.17	637.000	FT	HELICAL PILES	\$100.00	\$63,700.00	\$150.00	\$95,550.00
948.7	1.000	EA	STATIC LOAD TEST	\$10,000.00	\$10,000.00	\$25,000.00	\$25,000.00
950.1	1.000	LS	TEMPORARY SHORING	\$20,800.00	\$20,800.00	\$55,000.00	\$55,000.00
955.	0.750	MBF	TREATED TIMBER	\$10,000.00	\$7,500.00	\$20,000.00	\$15,000.00

3.G. Bid Tabulations

Project # : 606316
Location : BROOKLINE
District : 6
Description : BROOKLINE- PEDESTRIAN BRIDGE REHABILITATION, B-27-016, OVER MBTA OFF CARLTON STREET

Bids Open Date : 27 Oct 2020
Contract # : 112791

Item #	Quantity	Units	Description	Unit Price	Office Estimate	AETNA BRIDGE COMPANY	
					Amount	Unit Price	Amount
955.1	1,215.000	SF	TIMBER DECKING	\$25.00	\$30,375.00	\$30.00	\$36,450.00
960.1	48,000.000	LB	STRUCTURAL STEEL - COATED STEEL	\$10.00	\$480,000.00	\$7.00	\$336,000.00
961.201	1.000	LS	CLEAN (FULL REMOVAL) AND PAINT STEEL BRIDGE NO. B-27-016	\$305,130.00	\$305,130.00	\$350,000.00	\$350,000.00
				Total :	<u>\$3,425,035.00</u>	Total :	<u>\$3,955,053.50</u>

3.G.
NON-PARTICIPATING ITEMS - BID TABULATIONS
Carlton Street Footbridge Rehabilitation, Brookline

Project #:	606316					Bids Open Date:	27-Oct-2020
Location:	BROOKLINE					Contract #:	112791
District:	6					Non-Participating Agreement #:	109121A
Description:	BROOKLINE-PEDESTRIAN BRIDGE REHABILITATION, B-27-016, OVER MBTA OFF CARLTON STREET						
					Office Estimate	AETNA BRIDGE COMPANY	
Item #	Quantity	Units	Description	Unit Price	Amount	Unit Price	Amount
804.200	60	FT	2 INCH ELECTRICAL CONDUIT TYPE NM - PLASTIC (UL)	\$41.00	\$2,460.00	\$45.00	\$2,700.00
804.300	230	FT	3 INCH ELECTRICAL CONDUIT TYPE NM - PLASTIC (UL)	\$46.00	\$10,580.00	\$45.00	\$10,350.00
808.100	450	FT	1 INCH ELECTRICAL CONDUIT TY RM - STEEL (PLASTIC COATED)	\$51.00	\$22,950.00	\$65.00	\$29,250.00
808.200	300	FT	2 INCH ELECTRICAL CONDUIT TY RM - STEEL (PLASTIC COATED)	\$60.00	\$18,000.00	\$80.00	\$24,000.00
811.220	6	EA	ELECTRIC HANDHOLE - SD2.022	\$1,000.00	\$6,000.00	\$1,500.00	\$9,000.00
812.090	5	EA	LIGHT STANDARD FOUNDATION PRECAST	\$1,776.00	\$8,880.00	\$2,700.00	\$13,500.00
813.400	1,700	FT	WIRE TYPE 8 NO. 10 DIRECT BURIAL	\$2.00	\$3,400.00	\$1.30	\$2,210.00
813.420	1,100	FT	WIRE TYPE 8 NO. 6 DIRECT BURIAL	\$2.70	\$2,970.00	\$2.65	\$2,915.00
813.521	220	FT	WIRE TYPE 10 NO. 10 GROUNDING AND BONDING	\$2.00	\$440.00	\$1.30	\$286.00
813.522	350	FT	WIRE TYPE 10 NO. 6 GROUNDING AND BONDING	\$2.70	\$945.00	\$2.65	\$927.50
820.140	1	LS	BRIDGE LIGHTING AND GROUNDING SYSTEM	\$47,050.00	\$47,050.00	\$40,000.00	\$40,000.00
821.101	5	EA	ORNAMENTAL CAST ALUMINUM LAMP POST	\$10,000.00	\$50,000.00	\$6,000.00	\$30,000.00
823.101	5	EA	ORNAMENTAL HIGHWAY LIGHTING LUMINAIRE-ACORN	\$3,000.00	\$15,000.00	\$2,500.00	\$12,500.00
823.420	1	EA	DUAL POWER SUPPLY VAULT FOR BRIDGE STEP LIGHTING	\$2,100.00	\$2,100.00	\$2,500.00	\$2,500.00
823.600	1	LS	HIGHWAY LIGHTING LOAD CENTER	\$27,000.00	\$27,000.00	\$25,000.00	\$25,000.00
823.720	1	EA	POLE AND LUMINAIRE REMOVED AND DISPOSED	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00
					\$219,275.00		\$206,638.50



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, Secretary & CEO
Jonathan L. Gulliver, Highway Administrator

3.H.



December 11, 2020

Pedestrian Bridge Repairs and Related Work (Including Painting) Br. No. B-27-016 Carlton
Street Footbridge over the MBTA D Green Line
Agreement Number: 110748A (Municipal Project Agreement)

Town of Brookline
333 Washington Street 6th floor
Brookline, MA 02445
Attn: Melvin Kleckner-Town Administrator

Dear Mr. Kleckner:

Enclosed please find copies of Agreement number 110748A between the Massachusetts
Department of Transportation – Highway Division (MassDOT) and the Municipality of
Brookline relative to cost overruns and future maintenance for the above-mentioned project.

Please have both Agreements signed by an authorized signatory in addition to the Contractor
Authorized Signatory Listing Form. **Please sign the 2 agreements and the contractor form
and return the entire package to this office within 7 days to:**

Guy Rezendes, P.E.
Massachusetts Highway Department
Ten Park Plaza – Room 6340
Boston, MA 02116

The Department requires an original signature on each of the Contract Forms. The fully executed
agreements will be dated after signed by all parties. Please do not date page one of the
agreements as it is not fully executed until signed by all parties.

If you have any questions or comments, please direct them to the MassDOT Project Manager,
Gautam Sen, Gautam.Sen@dot.state.ma.us.

Sincerely,

Guy F. Rezendes, P.E.
State Utilities Engineer

Enclosures

**MUNICIPAL PROJECT AGREEMENT
MUNICIPALLY-FUNDED DESIGN**

Agreement By and Between
The Massachusetts Department of Transportation
And The
City/Town of Brookline

Agreement Number 110748A

Agreement made this ____ day of _____, 2020 by and between the Massachusetts Department of Transportation, established pursuant to Chapter 6C of the General Laws, having its principal place of business in the State Transportation Building at 10 Park Plaza, Boston Massachusetts 02116 (hereinafter referred to as the “MassDOT”) and the City/Town of Brookline, (hereinafter referred to as the “City/Town”).

WHEREAS, the City/Town desires MassDOT to Pedestrian Bridge Repairs and Related Work (Including Painting) Br. No. B-27-016 Carlton Street Footbridge over the MBTA D Green Line (hereinafter referred to as the “Project”), and where the said Pedestrian Bridge Repairs and Related Work is under the jurisdiction of the City/Town of Brookline, in the County of Norfolk, in said Commonwealth, and

WHEREAS, in accordance with Chapter 81 of the General Laws, MassDOT may at its discretion and subject to appropriation by the Legislature expend monies to improve and upgrade local roads under local jurisdiction, and

WHEREAS, the City/Town has procured the services of the consulting firm of Kleinfelder-SEA for the Project, in accordance with the terms and provisions of the MassDOT Highway Division Project Eligibility Notification dated August 12, 2010, (“Project Eligibility Notification”), and the consulting firm has prepared a complete set of plans, specifications, and estimates for the Project in accordance with the terms and provisions of the Project Eligibility Notification, and

WHEREAS, MassDOT advertised and awarded the Project, and

WHEREAS, the parties hereto have reached an agreement as to the apportionment of the work necessary for the construction of the Project, including the expenses thereof,

NOW, THEREFORE, in consideration thereof, MassDOT and the City/Town hereby agree each with the other, as follows:

DIVISION OF WORK

MassDOT shall execute the construction contract and issue the Notice to Proceed upon the execution of this Municipal Project Agreement.

MassDOT shall provide construction oversight of the Project.

The City/Town is responsible for any and all design required for the Project, including construction phase services, in accordance with terms and provisions of the Project Eligibility Notification.

The City/Town is responsible for any and all maintenance of the facilities included in the Project, after completion of the Project.

DIVISION OF EXPENSE**MASSDOT FUNDED (“PARTICIPATING”) WORK**

MassDOT shall be responsible for the total participating contract bid price plus Project costs up to and including ten percent (10%) for additional work necessary to complete the original scope of the participating work (as shown on “Exhibit A, Contract Estimate” attached hereto).

MassDOT shall also be responsible for all construction costs that exceed the total participating contract bid price plus ten percent (10%) if the City/Town submits sufficient documentation to MassDOT showing that the work was necessary solely due to MassDOT’s construction oversight, as determined solely by MassDOT.

CITY/TOWN FUNDED (“NON-PARTICIPATING”) WORK

The City/Town shall be responsible for all construction costs under two conditions:

1. When the construction costs for the contract scope exceed the total participating contract bid price by more than ten percent (10%), the City/Town shall be responsible for the amount over 110% of the total participating contract bid price unless the City/Town submits sufficient documentation to MassDOT showing that the work was necessary solely due to MassDOT’s construction oversight, as determined solely by MassDOT.
2. When the City/Town requests work that FHWA and/or MassDOT determine is unnecessary to complete the Project, the work shall be deemed “non-participating” and the City/Town shall pay the full cost of that work.

If the determination of “non-participating” was made before the construction Project was bid, the work is identified as “Non-Participating” in the bid documents and a separate “Non-Participating Agreement” executed by the City/Town and MassDOT.

Types of non-participating construction costs that may arise after the construction contract is executed includes, but is not limited, to the following:

1. Bid item overruns and additional work over 110% of the total participating contract bid price necessitated by design errors and omissions. (See “Project Scope – Extra Work/Reduction in Scope” below.)
2. Bid item overruns and additional work requested by the City/Town. (See “Project Scope – Extra Work/Reduction in Scope” below.)
3. Costs due to the design being out of compliance with MassDOT regulations and policies.
4. Additional traffic control assigned by MassDOT at the request of the City/Town.
5. Interest charges on late contractor payments, levied pursuant to M.G.L. c. 30, § 39G, when the payments are the responsibility of the City/Town.
6. Work necessitated by changed conditions, pursuant to M.G.L. c. 30, § 39N. (See “Project Scope – Additional Costs/Reduction in Scope” below.)

The City/Town shall be responsible for all maintenance costs upon completion of the Project.

MASSDOT NOTIFICATION TO CITY/TOWN

The MassDOT District office shall promptly provide written notification to the City/Town of the following:

1. Alleged design errors and omissions.
2. Contractor claims for “changed conditions” pursuant to M.G.L. c. 30, § 39N.

PROJECT SCOPE – ADDITIONAL COSTS/REDUCTION IN SCOPE

If a bid item overrun or underrun occurs or if extra work is proposed during construction then the MassDOT Resident Engineer shall provide the City/Town representative with the proposed Resident Engineer’s Report of Change (Form CSD 683), and advise the representative of the impacts to the overall construction costs. MassDOT will not authorize any Extra Work until the City/Town representative signs Form CSD 683.

In the event that the City/Town is responsible for additional costs and additional funds are not obtainable by the City/Town, then the MassDOT Resident Engineer and the City/Town shall identify items of work that can be eliminated from the Project to bring the contract within available funding. Once the items to be eliminated have been identified by the MassDOT Resident Engineer and the City/Town, these shall be forwarded to the MassDOT Construction Engineer for concurrence by the Highway Division Administrator, or other MassDOT staff as necessary. No items shall be eliminated until such concurrence is obtained. For FHWA

3.H.

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oversight projects, additional concurrence shall be obtained from the FHWA Area Engineer. If items of work cannot be eliminated from the Project, the parties shall consider whether “Chapter 90” funds may be utilized for the Project.

PAYMENTS TO THE CONTRACTOR FOR CONSTRUCTION OVERRUNS

The payment process for work that is identified as “Non-Participating work” in the construction bid documents is set forth in the “Non-Participating Agreement” executed by and between the City/Town and MassDOT. If a Non-Participating Agreement exists and additional non-participating work is identified during construction, the payment for that work shall be added to the Non-Participating Agreement.

If the contract does not include a Non-Participating Agreement, and non-participating work is identified during construction, then the MassDOT Resident Engineer shall prepare and send to the City/Town a “zero estimate” and a “Town estimate,” authorized by MassDOT for payment, and attach copies of all signed Resident Engineer’s Reports of Change (Form CSD 683) to document the source of the costs. The Resident Engineer will also forward a printout of the Contract Quantity Estimate (CQE) for non-participating work to the City/Town, and the City/Town shall pay the Contractor directly. The Contractor shall not invoice the City/Town directly.

REVIEW OF PROJECT DOCUMENTS

The Governor or his designee, the Secretary of Administration and Finance, and the State Auditor or his designee shall have the right at reasonable times and upon reasonable notice to examine the books, records and other compilations of data of the City/Town which pertain to the performance of the provisions and requirements of this Agreement.

FINAL COMPLETION AND FUTURE MAINTENANCE

The City/Town’s representative shall be made available to attend MassDOT’s final inspection of the Project. When all punch list items identified as part of the final inspection are addressed to the satisfaction of MassDOT, MassDOT shall notify the City/Town in writing that the Project has been completed. Upon such date of notification, the City/Town shall be responsible thereafter for the maintenance of the facilities included in the Project. This obligation includes reasonable efforts to remove snow and ice to allow only temporary and isolated interruptions in accessibility, in accordance with the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12101 et seq., 28 CFR § 35.133, and 23 U.S.C. § 116 (Maintenance).

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in duplicate on the day and year first above written.

**MASSACHUSETTS
DEPARTMENT OF TRANSPORTATION**

**PATRICIA A. LEAVENWORTH, P.E.
CHIEF ENGINEER**

**TOWN OF BROOKLINE
SELECT BOARD**

(Signature)

(Name-Printed)

(Title)

EXHIBIT A

Project # : 606316

Agreement : 110748A

District : 1 **Project Manager** GAUTAM SEN

Location : Brookline

Description : Pedestrian Bridge Repairs and Related Work (Including Painting) Br. No. B-27-016
Carlton Street Footbridge over the MBTA D
Green Line (Re-Advertised Project)

$\$3,748,415.00 \times 10\% = \$374,841.50$

$\$3,748,415.00 + \$374,841.50 = \$4,123,256.50$

Grand Total= \$4,123,256.50

3.H.

Contract Bid Estimate By Breakouts Combined Minus NPTA

Project # : 606316
Contractor : AETNA BRIDGE COMPANY
District : 6
Location : BROOKLINE
Description : Pedestrian Bridge Repairs and Related Work (Including Painting) Br. No. B-27-016 Carlton Street Footbridge over the MBTA D Green Line (Re-Advertised Project)

Contract # : 112791
Project Manager GAUTAM SEN

Item #	Quantity	Unit	Item Description	Unit Price	Total
* 100.	1.000	LS	SCHEDULE OF OPERATIONS - FIXED PRICE \$28400	\$28,000.00	\$28,000.00
* 100.78	1.000	LS	MISCELLANEOUS AND ORNAMENTAL IRON WORK	\$700,000.00	\$700,000.00
102.1	285.000	FT	TREE TRIMMING	\$15.00	\$4,275.00
* 102.511	26.000	EA	TREE PROTECTION – ARMORING & PRUNING	\$300.00	\$7,800.00
* 102.521	215.000	FT	TREE AND PLANT PROTECTION FENCE	\$8.00	\$1,720.00
* 106.87	1.000	LS	JACKING SUPERSTRUCTURE	\$264,000.00	\$264,000.00
* 107.941	1,636.000	SF	ALUMINUM GRATING FOR WALK	\$80.00	\$130,880.00
* 107.96	1.000	LS	STRUCTURAL STEEL REPAIRS	\$600,000.00	\$600,000.00
* 107.97	10,745.000	LB	STRUCTURAL STEEL REPAIRS	\$16.00	\$171,920.00
* 107.98	1.000	LS	TEMPORARY STEEL BRACING	\$75,000.00	\$75,000.00
120.1	194.000	CY	UNCLASSIFIED EXCAVATION	\$50.00	\$9,700.00
140.	400.000	CY	BRIDGE EXCAVATION	\$60.00	\$24,000.00
141.1	28.000	CY	TEST PIT FOR EXPLORATION	\$120.00	\$3,360.00
144.	15.000	CY	CLASS B ROCK EXCAVATION	\$200.00	\$3,000.00
151.	187.000	CY	GRAVEL BORROW	\$65.00	\$12,155.00
151.1	77.000	CY	GRAVEL BORROW FOR BRIDGE FOUNDATION	\$75.00	\$5,775.00
151.2	155.000	CY	GRAVEL BORROW FOR BACKFILLING STRUCTURES AND PIPES	\$70.00	\$10,850.00
* 180.01	1.000	LS	ENVIRONMENTAL HEALTH AND SAFETY PROGRAM	\$15,000.00	\$15,000.00
* 180.02	16.000	HR	PERSONAL PROTECTION LEVEL C UPGRADE	\$20.00	\$320.00
* 180.03	40.000	HR	LICENSED SITE PROFESSIONAL SERVICES	\$100.00	\$4,000.00
* 181.11	333.000	TON	DISPOSAL OF UNREGULATED SOIL	\$30.00	\$9,990.00
* 181.12	55.000	TON	DISPOSAL OF REGULATED SOIL - IN-STATE FACILITY	\$65.00	\$3,575.00
* 181.13	28.000	TON	DISPOSAL OF REGULATED SOIL - OUT-OF-STATE FACILITY	\$120.00	\$3,360.00
* 181.14	28.000	TON	DISPOSAL OF HAZARDOUS WASTE	\$370.00	\$10,360.00
* 184.1	1.000	TON	DISPOSAL OF TREATED WOOD PRODUCTS	\$300.00	\$300.00
191.	122.000	FT	DRIVE SAMPLE BORING	\$75.00	\$9,150.00
193.	1.000	LS	MOBILIZATION AND DISMANTLING OF BORING EQUIPMENT	\$2,000.00	\$2,000.00
358.	3.000	EA	GATE BOX ADJUSTED	\$250.00	\$750.00
450.22	162.000	TON	SUPERPAVE SURFACE COURSE – 9.5 (SSC – 9.5)	\$180.00	\$29,160.00
450.32	101.000	TON	SUPERPAVE INTERMEDIATE COURSE - 19.0 (SIC - 19.0)	\$220.00	\$22,220.00
* 452.	100.000	GAL	ASPHALT EMULSION FOR TACK COAT	\$10.00	\$1,000.00
* 453.	34.000	FT	HMA JOINT SEALANT	\$20.00	\$680.00
645.148	30.000	FT	48 INCH CHAIN LINK FENCE (PIPE TOP RAIL) VINYL COATED (LINE POST OPTION)	\$50.00	\$1,500.00
645.172	149.000	FT	72 INCH CHAIN LINK FENCE (PIPE TOP RAIL) VINYL COATED (LINE POST OPTION)	\$60.00	\$8,940.00
650.072	12.000	FT	72 INCH CHAIN LINK GATE WITH GATE POSTS	\$190.00	\$2,280.00

* Non-Standard Item

3.H.

Contract Bid Estimate

By Breakouts Combined Minus NPTA

Project #	: 606316	Contract #	: 112791
Contractor	: AETNA BRIDGE COMPANY	Project Manager	: GAUTAM SEN
District	: 6		
Location	: BROOKLINE		
Description	: Pedestrian Bridge Repairs and Related Work (Including Painting) Br. No. B-27-016 Carlton Street Footbridge over the MBTA D Green Line (Re-Advertised Project)		

Item #	Quantity	Unit	Item Description	Unit Price	Total
* 657.	1,120.000	FT	TEMPORARY FENCE	\$30.00	\$33,600.00
* 665.2	265.000	FT	CHAIN LINK FENCE REMOVED AND DISPOSED	\$15.00	\$3,975.00
* 697.1	2.000	EA	SILT SACK	\$250.00	\$500.00
701.	93.000	SY	CEMENT CONCRETE SIDEWALK	\$80.00	\$7,440.00
* 706.3	1.000	LS	GRANITE STEPS	\$50,000.00	\$50,000.00
* 740.	15.000	MO	ENGINEERS FIELD OFFICE AND EQUIPMENT (TYPE A)	\$4,500.00	\$67,500.00
748.	1.000	LS	MOBILIZATION	\$100,000.00	\$100,000.00
751.	265.000	CY	LOAM BORROW	\$50.00	\$13,250.00
765.	2,500.000	SY	SEEDING	\$2.00	\$5,000.00
* 767.121	340.000	FT	SEDIMENT CONTROL BARRIER	\$7.00	\$2,380.00
832.	24.000	SF	WARNING-REGULATORY AND ROUTE MARKER - ALUMINUM PANEL (TYPE A)	\$20.00	\$480.00
847.1	12.000	EA	SIGN SUP (N/GUIDE)+RTE MKR W/1 BRKWAY POST ASSEMBLY - STEEL	\$200.00	\$2,400.00
852.	170.000	SF	SAFETY SIGNING FOR TRAFFIC MANAGEMENT	\$35.00	\$5,950.00
853.1	12.000	EA	PORTABLE BREAKAWAY BARRICADE TYPE III	\$50.00	\$600.00
* 853.22	150.000	FT	TEMPORARY CONCRETE BARRIER WITH FENCE	\$60.00	\$9,000.00
* 853.221	150.000	FT	TEMPORARY CONCRETE BARRIER WITH FENCE REMOVED	\$30.00	\$4,500.00
853.8	6.000	DAY	TEMPORARY ILLUMINATION FOR WORK ZONE	\$400.00	\$2,400.00
901.	307.000	CY	4000 PSI, 1.5 INCH, 565 CEMENT CONCRETE	\$1,000.00	\$307,000.00
910.	10,605.000	LB	STEEL REINFORCEMENT FOR STRUCTURES	\$4.00	\$42,420.00
* 943.17	637.000	FT	HELICAL PILES	\$150.00	\$95,550.00
* 948.7	1.000	EA	STATIC LOAD TEST	\$25,000.00	\$25,000.00
* 950.1	1.000	LS	TEMPORARY SHORING	\$55,000.00	\$55,000.00
955.	0.750	MBF	TREATED TIMBER	\$20,000.00	\$15,000.00
* 955.1	1,215.000	SF	TIMBER DECKING	\$30.00	\$36,450.00
960.1	48,000.000	LB	STRUCTURAL STEEL - COATED STEEL	\$7.00	\$336,000.00
961.201	1.000	LS	CLEAN (FULL REMOVAL) AND PAINT STEEL BRIDGE NO. B-27-016	\$350,000.00	\$350,000.00
Contract Bid Estimate Grand Total :					\$3,748,415.00

* Non-Standard Item

3.I.



TOWN of BROOKLINE
Massachusetts

PATRICK JOSEPH WARD
Town Clerk

LINDA G. GOLBURGH
Assistant Town Clerk

333 WASHINGTON STREET
BROOKLINE, MASSACHUSETTS 02445
617-730-2010
FAX: 617-730-2043

December 16, 2020

To: Bernard Green, Select Board Chair
From: Linda Golburgh, Assistant Town Clerk
Subject: Budget Transfer

As a result of expenses for extra supplies needed for the 2020 State Primary and 2020 State Election, the Town Clerk's Office Supply Budget is overdrawn. We need funds to pay for both supplies ordered and for supplies needed for the remainder of the fiscal year. Attached is our Request for an Appropriation Transfer. With this transfer, we hope to manage with the funds we have unless something unexpected occurs such as Early Voting or Vote by Mail for the spring election.

Accordingly we are requesting that \$8,000 be transferred from our Postage Account (525022) to our Office Supply Account (531012).

I am happy to answer any questions that you may have.

Cc Melvin Kleckner, Town Administrator

TOWN OF BROOKLINE

REQUEST FOR APPROPRIATION TRANSFER

DATE: 12/15/2020

To the Board of Selectmen:

Authority is hereby requested for permission to make the following transfer(s) within the appropriation for the Town Clerk's Office
 Department Name

	ORG #	ORG NAME	OBJECT #	OBJ NAME	AMOUNT
FROM:	<u>1620 1630</u>	<u>Voter Reg</u>	<u>525022</u>	<u>Postage</u>	<u>\$8,000</u>
TO:	<u>1620 1630</u>	<u>Voter Reg</u>	<u>531012</u>	<u>Office Supplies</u>	<u>\$8,000</u>
FROM:					
TO:					
FROM:					
TO:					
FROM:					
TO:					
FROM:					
TO:					

Linda A. G. Gough
 DEPARTMENT HEAD

NOTE: IN ADDITION TO SELECTMEN APPROVAL, THE FOLLOWING TRANSFERS REQUIRE ADVISORY COMMITTEE APPROVAL:

(1) From Capital (5A); (2) To Personnel (51); (3) Building Dept Transfers of more than \$10,000 to or from Repairs to Public Buildings (522400); (4) From the Parks & Open Space Division to any other division of DPW; and (5) From the Snow & Ice budget to any other division of DPW.

 BOARD OF SELECTMEN



TOWN OF BROOKLINE
Massachusetts
DEPARTMENT OF PUBLIC WORKS

Erin Chute Gallentine
 Commissioner

Memorandum

To: Select Board
 From: Erin Gallentine, Commissioner of Public Works
 Date: December 17, 2020
 Re: **Temporary Lease Agreement for Stillman Farms for Use of the Town Hall Lot**
 Cc: Melvin Kleckner, Town Administrator
 Melissa Goff, Deputy Town Administrator

Attached for your review and approval is a temporary lease agreement for Stillman Farms for the use of the Town Hall Lot abutting the Health Department and Pierce School Buildings on Sundays from 2 – 4 pm from Sunday, January 27, 2020 through Sunday, June 6, 2021 for use as a designated pick-up location for members of its Community Supported Agriculture (CSA) and Meat CSA businesses. Stillman Farms has been a vendor at the Brookline Farmers' Market for approximately 25 – 28 years and is one of the bigger (or anchor) vendors there.

Stillman Farms is seeking use of the lot principally for its Stillman Quality Meats business. In the past, only the CSA for vegetable produce used this license. However, in the age of Covid, Kate Stillman, who runs the Quality Meats business, has not been able to distribute in the winter through the stores that it formerly collaborated with and needs a location outside for distribution. The Brookline Farmers' Market does not have a winter market at present, so this avenue is not available.

The distribution by Stillman Quality Meats is a community benefit because this location would serve Brookline customers. And it helps a small business that is an integral part of the Brookline Farmers' Market.

Stillman Quality Meats will also work with the Brookline Food Pantry to determine its need and to work out a plan to donate to that charity. Some of Stillman's Brookline customers have requested to be able to add to the Stillman donation and this is a way to further increase the benefit to the Food Pantry.

In the event that the Town has an alternate use or need it for this parking lot on Sundays, it can modify or terminate the agreement.

STILLMAN QUALITY MEATS, LLC

TEMPORARY LICENSE AGREEMENT

The Town of Brookline (the “Town”), a municipal corporation with its offices located at 333 Washington St., Brookline, hereby grants a temporary license to **Stillman Quality Meats, LLC, 3674 Greenwich Rd., Hardwick, MA 01082 (“Stillman”)**, to use Town property designated herein as a pickup location for members of its Community Supported Agriculture (CSA) and Meat CSA businesses for the period December 27, 2020, through June 6, 2021 (the “License Period”), according to the following terms:

1. The Property. Stillman may use a non-reserved available parking space of its choosing in one of the two bays of parking spaces located closest to the Town’s Health Building at 11 Pierce St. (the “Property”) as a pickup location for members of its Community Supported Agriculture (CSA) and Meat CSA businesses (together, “Members”). Stillman shall situate the truck from which Members may pick up their shares as the Town shall specify, and shall situate any tables, chairs, or other objects Stillman desires to use in connection with making delivery of shares to Members as the Town shall permit and in a location and manner as the Town shall specify.

2. CSA Pickup Days and Times. During the period December 27, 2020, through June 6, 2021, Stillman may use the Property each Sunday as a CSA pickup location for a period of no more than two (2) hours between 2 p.m. and 4 p.m.

3. Meat CSA Pickup Days and Times. During the License Period, Stillman may use the Property as a Meat CSA pickup location for a period of no more than two (2) hours between the hours of 2 p.m. and 4 p.m. on one Sunday each month as follows: December 27, 2020, and in 2021 on January 3, 10, 17, 24, 31; February 7, 14, 21, 28; March 7, 14, 21, 28; April 4, 11, 18, 25; May 2, 9, 16, 23, 30; and June 6. If, during a month in which Stillman is not using the Property as a pick-up location for its CSA business pursuant to Paragraph 2 above, and Stillman wishes to change the Sunday on which it will supply Meat CSA pick up from a date specified in this Paragraph, it shall obtain prior approval for such date change from the Town’s Director of Public Works.

4. Restoration After Each Use. Following each use, Stillman agrees to restore the Property to the same condition that it was in immediately prior to its use. If, after its use,

3.J.

additional maintenance is required (in excess of normal cleaning and maintenance services/time) by the Town to make such restoration, Stillman will be charged accordingly.

5. Snow and Other Weather Events. Stillman is not permitted to use the Property following a snow event that results in 2" or more of snow that concludes 48 hours or fewer prior to a scheduled start time for its use of the Property pursuant to this Temporary License Agreement. In the event of such a snow event that results in less than 2" of snow, Stillman will contact a Town representative whose name and contact information the Town will provide no later than six (6) hours in advance of the scheduled start time to obtain permission to use the Property that week. The Town reserves the right to cancel use of the Property on a particular week in the event of a snow or other weather event.

6. Responsibility for Damage. Stillman will be responsible for any and all damage to the Town's real or personal property that results from its use under this Temporary License Agreement.

7. Indemnification. Stillman agrees to indemnify, defend, and hold the Town, its agents, servants, employees, elected officials, and appointed officials harmless from any and all claims and liability for personal injury or property damage or death that may result from the use of the Property and related area by Stillman unless said property damage or personal injury arises as a result of the sole negligence of the Town, its agents, servants or employees.

8. Required Insurance. Stillman shall maintain at its own expense during the License Period commercial general liability insurance with a general aggregate limit of \$1,000,000 for personal injury and property damage. The certificate of insurance shall name the Town as an additional insured. Stillman shall provide a certificate of insurance to the Town in a form acceptable to Town Counsel prior to the effective date of this Temporary License Agreement and such insurance coverage shall be a prerequisite to the granting of the License.

9. Compliance With Law. This Temporary License Agreement is subject to, and conditioned on Stillman compliance with, all applicable local, state and federal laws, by-laws, regulations, and codes, including, but not limited to, health and sanitary codes.

10. Amendment / Modification / Suspension. The Town reserves the right to amend, modify, or revoke this Temporary License Agreement at any time at its discretion.

3.J.

The undersigned represent and warrant that they have the right, capacity and all necessary authority to execute and deliver this Temporary License Agreement on behalf of the respective party for whom they have signed.

WITNESS:

By Stillman Quality Meats, LLC:

Name (please print):

Title:

Date:

Select Board
Town of Brookline, Massachusetts

By: _____

Date: _____



Town of Brookline

Massachusetts

Department of Planning and Community Development

Town Hall, 3rd Floor
333 Washington Street
Brookline, MA 02445-6899
(617) 730-2130 Fax (617) 730-2442
TTY (617) 730-2327

Alison Steinfeld
Director

To: Select Board and Mel Kleckner
From: Meredith L. Mooney, Economic Development and Long-Term Planner
CC: Alison Steinfeld, Kara Brewton, Brookline Chamber of Commerce, Brookline Village Business Association, Coolidge Corner Merchants' Association, Economic Development Advisory Board, Small Business Development Committee
Date: December 17, 2020
Re: 2020 Storefront Survey and Update on Initiatives Undertaken to Support Brookline Businesses during the Pandemic

Overview:

Brookline's 2020 storefront vacancy rate stands at 11.9%, up from 10% in 2019. This nearly 12% vacancy rate is the highest in over a decade, and far exceeds the Town's 7.1% vacancy rate during the height of the Recession. Nevertheless, it is surprising that, many months into a public health and economic crisis that has pushed small businesses to the limit, the vacancy rate is not higher. The Economic Development Division anticipates that the actual toll of the pandemic on Brookline's small business community will not be fully evident until the first and second quarters of 2021. We plan to conduct another storefront survey in late spring or early summer 2021 to reassess the extent of COVID's impact on our commercial areas.

Summary data for town-wide and commercial area vacancy trends are included in pages 4-9 of this memo.

Storefront Survey Background & Methodology:

The storefront survey is conducted annually, typically in the fall. This year's survey was conducted October 22-24, 2020. Economic Development Division staff take inventory of every storefront in Brookline's eight commercial areas. Local vacancy rates and trends are tracked to assess the health of our commercial areas and determine whether any special actions or interventions are needed to preserve the health and vibrancy of Brookline's commercial areas and small business community.

Our storefront survey methodology is conservative, meaning that storefronts that appear vacant are recorded as such, even if a storefront is leased and engaged in the permitting process when the survey is conducted. In the case of temporarily closed businesses, only businesses with For Lease signs clearly posted are counted as vacant. Storefronts included in new development projects are tracked as "under construction" and are factored into the vacancy rate only after construction is completed. With this methodology, the vacancy rate more accurately reflects the community's perception of commercial area vacancies.

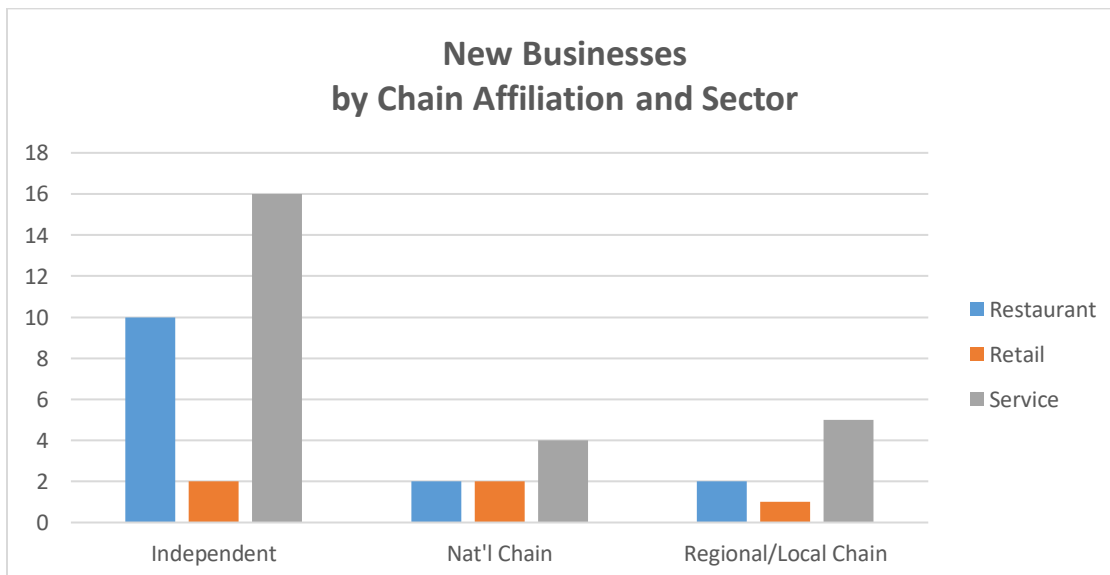
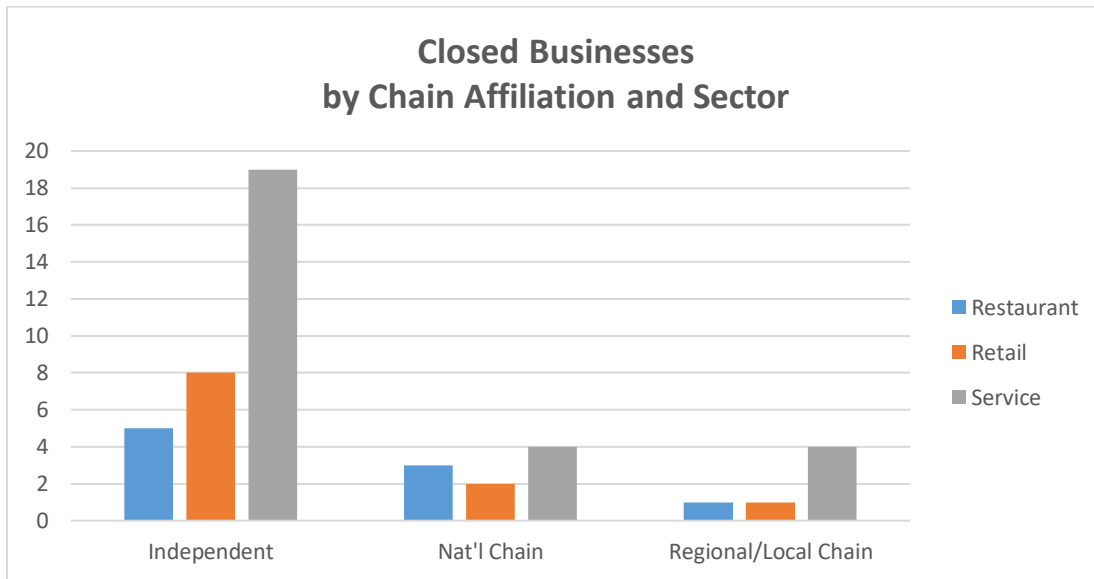
6.A.

Analysis of Businesses Closed and Opened:

We analyzed the types of businesses that opened and closed in terms of sector (i.e. retail, restaurant, or service) and chain affiliation (i.e. independent, regional or local chains, or national chains). Two categories saw significant shifts: independent retail businesses and independent restaurants.

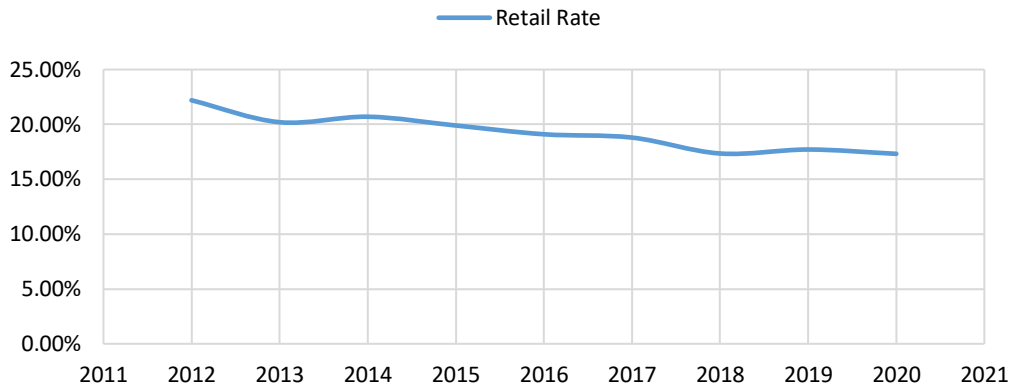
Independent retail businesses appear to have suffered disproportionately over the past year. Brookline's net loss of six independent retail businesses indicates that the pandemic might have accelerated the gradual decline of retail businesses in Brookline evident over the past several years (see Brookline Retail Rate graph below). Several new restaurants that had already committed to lease agreements and were far along in the restaurant build-out and permitting processes prior to the start of the pandemic likely contributed to the net increase of five independent restaurants. The impact of openings and closings on the other sectors and chain affiliations appears to have been more balanced.

The prominence of service businesses in the graphs below corresponds to the fact that service businesses account for the majority of Brookline storefronts (see Storefronts by Commercial Use graph below).

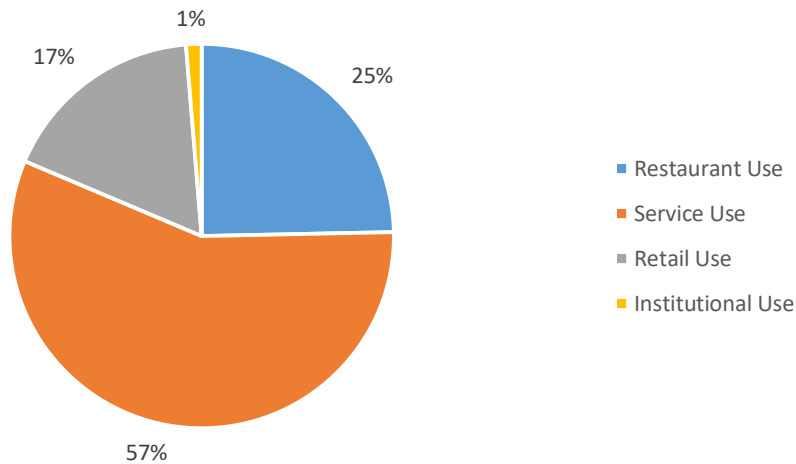


6.A.

Brookline Retail Rate (2012-2020)



Storefronts by Commercial Use (2020)



Brookline Commercial Area Strengths:

Brookline's commercial areas possess several characteristics that might help to insulate them against the full force of the COVID-19 economic crisis. Brookline businesses are largely patronized by residents from Brookline and neighboring communities. Brookline's commercial areas are not primarily reliant upon daytime office workers (as is the case in Boston's Downtown Crossing or Cambridge's Kendall Square, for example), tourists, or business travelers. Tattle's pandemic operations provide evidence of this strength; Tattle's two Brookline locations have remained open throughout the pandemic, while its Boston and Cambridge locations in areas that pre-pandemic had high levels of daytime office workers have remained temporarily closed.

Conclusion:

It is highly unlikely that the 11.9% 2020 vacancy rate is an accurate reflection of the toll that COVID-19 has taken on Brookline's small business community and commercial areas. Additional business closures, especially restaurant closures, are likely to occur in the first and second quarters of 2021.

6.A.

Next Steps:

The Town of Brookline and the Economic Development Division will continue to seek every opportunity to support the local business community through the COVID-19 public health and economic crises. In partnership with many Town departments and business community groups, the Town has implemented many initiatives to support local businesses through the pandemic. A comprehensive account of those initiatives and the many stakeholders involved in the development and execution of those projects is attached to this memo. In addition to those initiatives, the Economic Development Division will pursue the following next steps:

- Conduct another storefront survey in late spring or early summer 2021 and return to the Select Board with an update.
- Develop a local economic recovery plan, hopefully with the resources and assistance of the state's [Local Rapid Recovery Planning Program](#) grant, which the Town applied for on December 17, 2020.
- Continue to work with Coolidge Corner merchants and property owners to establish a Business Improvement District (BID), a district management entity that the pandemic has underscored as a critical strategic tool to help expedite commercial area recovery and ensure greater resiliency for Brookline's largest commercial area.

6.A.

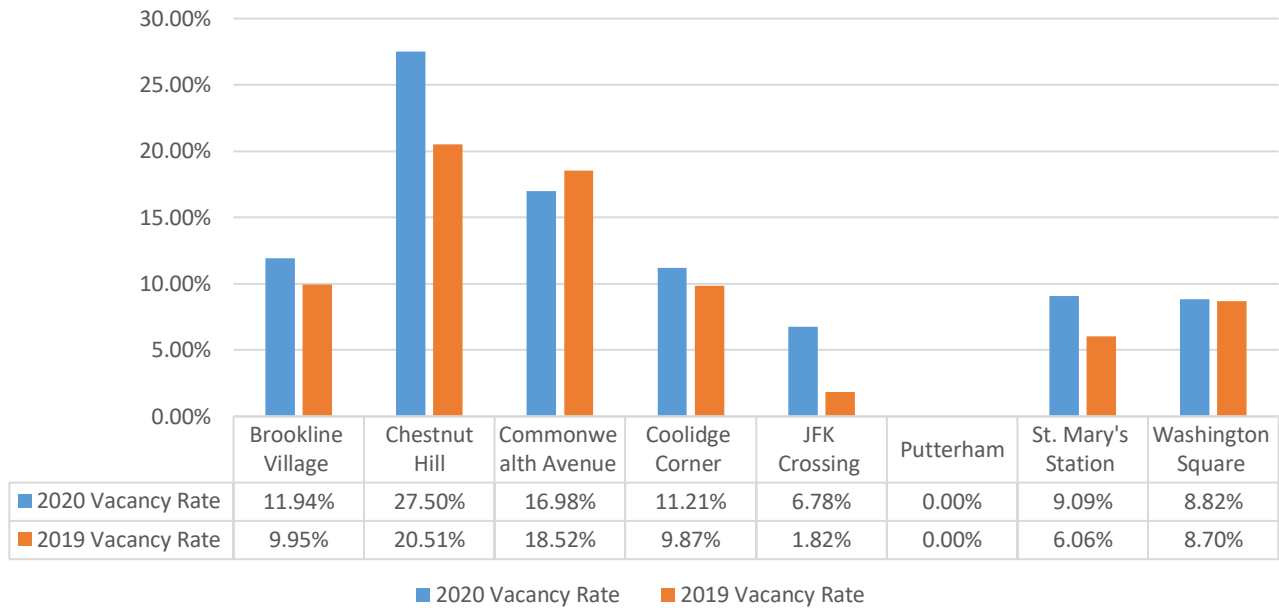
Summary Data:

All Commercial Areas		2020 Survey	% of Total Storefronts	2019 Survey	% Change '19-'20
Vacancy Analysis	Total Storefronts	699	-	692	1%
	Total Active Storefronts	616	88.13%	623	-1%
	Total Vacant Storefronts	83	11.87%	69	20%
	Total Vacancy Rate	11.87%	-	9.97%	1.90%
Use Analysis	Restaurant Use	151	24.51%	146	3%
	Service Use	347	56.33%	360	-4%
	Retail Use	106	17.21%	110	-4%
	Institutional Use	8	1.30%	6	33%
Chain v. Independent Business Analysis	National Chains	107	17.37%	111	-4%
	Regional/Local Chains	88	14.29%	86	2%
	Independent Businesses	409	66.40%	417	-2%

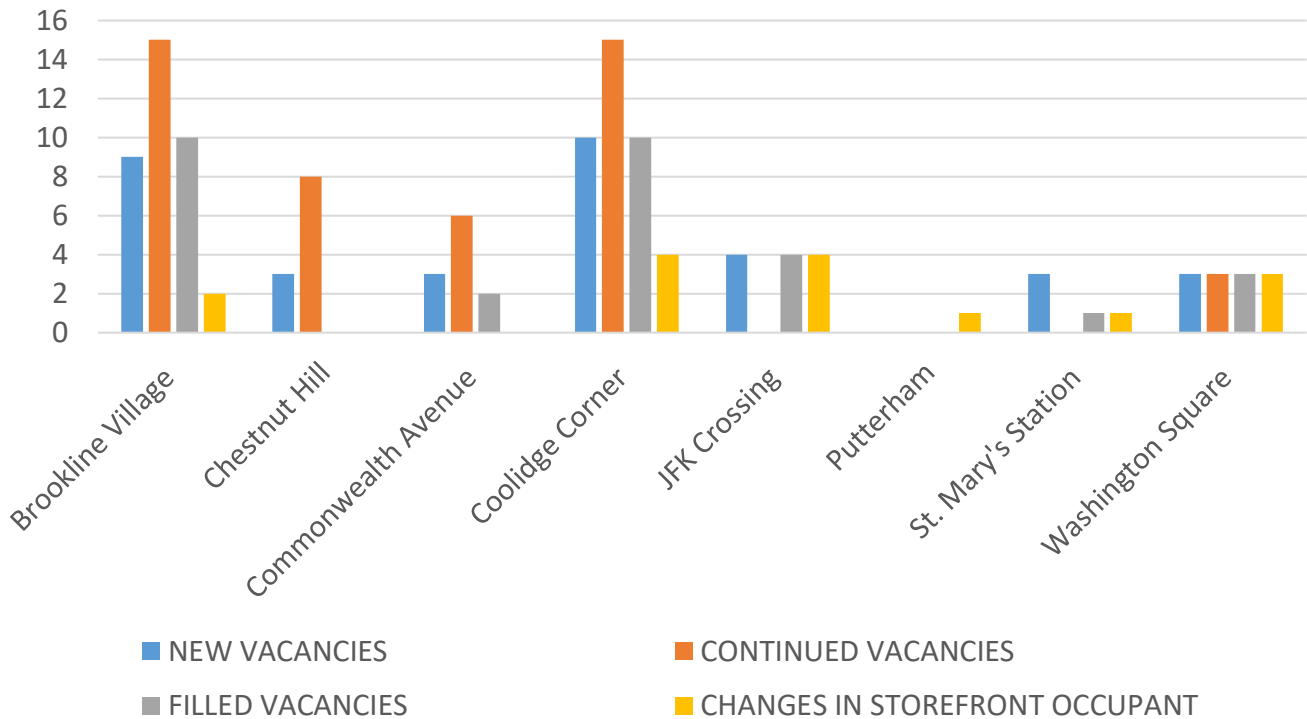
Commercial Area	Total Storefronts	Total Active	Total Vacant	2020 Vacancy Rate	2019 Vacancy Rate	% Change
Brookline Village	201	176	25	12.44%	9.95%	2.49%
Chestnut Hill	40	29	11	27.50%	20.51%	6.99%
Commonwealth Avenue	53	44	9	16.98%	18.52%	-1.54%
Coolidge Corner	223	199	24	10.76%	9.87%	0.89%
JFK Crossing	59	55	4	6.78%	1.82%	4.96%
Putterham	16	16	0	0.00%	0.00%	0.00%
St. Mary's Station	33	30	3	9.09%	6.06%	3.03%
Washington Square	68	62	6	8.82%	8.70%	0.12%
TOTAL	693	611	82	11.83%	10.00%	1.83%

6.A.

Comparison of Vacancy Rate by Commercial Area (2019-2020)



2020 Storefront Changes by Commercial Area



6.A.

By Commercial Area:

Brookline Village		2020 Survey	% of Total Storefronts	2019 Survey	% Change '19-'20
Occupancy Analysis	Total Storefronts	201		201	0%
	Total Active Storefronts	176	87.56%	181	-3%
	Total Vacant Storefronts	25	12.44%	20	25%
	Total Vacancy Rate	12.44%		9.95%	2.49%
Use Analysis	Restaurant Use	37	21.02%	35	6%
	Service Use	114	64.77%	118	-3%
	Retail Use	24	13.64%	27	-11%
Chain v. Independent Business Analysis	National Chains	20	11.36%	20	0%
	Regional/Local Chains	16	9.09%	16	0%
	Independent Businesses	139	78.98%	144	-3%
Change Analysis	New Vacancies	10			
	Continued Vacancies	15			
	Filled Vacancies	10			
	Changes in Storefront Occupant	2			
	Changes in Use	0			

Chestnut Hill		2020 Survey	% of Total Storefronts	2019 Survey	% Change '19-'20
Occupancy Analysis	Total Storefronts	40		39	3%
	Total Active Storefronts	29	72.50%	31	-6%
	Total Vacant Storefronts	11	27.50%	8	38%
	Total Vacancy Rate	27.50%		20.51%	6.99%
Use Analysis	Restaurant Use	1	3.45%	1	0%
	Service Use	19	65.52%	22	-14%
	Retail Use	8	27.59%	8	0%
Chain v. Independent Business Analysis	National Chains	7	24.14%	8	-13%
	Regional/Local Chains	6	20.69%	6	0%
	Independent Businesses	15	51.72%	17	-12%
Change Analysis	New Vacancies	3			
	Continued Vacancies	8			
	Filled Vacancies	0			
	Changes in Storefront Occupant	0			
	Changes in Use	0			

Commonwealth h Avenue

		2020 Survey	% of Total Storefronts	2019 Survey	% Change '19-'20
Occupancy Analysis	Total Storefronts	53		54	-2%
	Total Active Storefronts	44	83.02%	44	0%
	Total Vacant Storefronts	9	16.98%	10	-10%
		16.98		18.52	
	Total Vacancy Rate	%		%	-1.54%

Use Analysis	Restaurant Use	13	29.55%	14	-7%
	Service Use	15	34.09%	16	-6%
	Retail Use	8	18.18%	8	0%
	Institutional Use	8	18.18%	6	33%

Chain v. Independent Business Analysis	National Chains	13	29.55%	12	8%
	Regional/Local Chains	10	22.73%	12	-17%
	Independent Businesses	13	29.55%	14	-7%

Change Analysis	New Vacancies	3
	Continued Vacancies	6
	Filled Vacancies	2
	Changes in Storefront Occupant	0
	Changes in Use	0

Coolidge Corner

		2020 Survey	% of Total Storefronts	2019 Survey	% Change '19-'20
Occupancy Analysis	Total Storefronts	223		223	0%
	Total Active Storefronts	199	89.24%	201	-1%
	Total Vacant Storefronts	24	10.76%	22	9%
	Total Vacancy Rate	10.76%		9.87%	0.90%

Use Analysis	Restaurant Use	49	24.62%	46	7%
	Service Use	101	50.75%	108	-6%
	Retail Use	47	23.62%	47	0%

Chain v. Independent Business Analysis	National Chains	44	22.11%	46	-4%
	Regional/Local Chains	35	17.59%	34	3%
	Independent Businesses	118	59.30%	121	-2%

Change Analysis	New Vacancies	9
	Continued Vacancies	15
	Filled Vacancies	11
	Changes in Storefront Occupant	4
	Changes in Use	0

JFK Crossing		2020 Survey	% of Total Storefronts	2019 Survey	% Change '19-'20
Occupancy Analysis	Total Storefronts	59		55	7%
	Total Active Storefronts	55	93.22%	54	2%
	Total Vacant Storefronts	4	6.78%	1	300%
	Total Vacancy Rate	6.78%		1.82%	4.96%

Use Analysis	Restaurant Use	18	32.73%	16	13%
	Service Use	30	54.55%	31	-3%
	Retail Use	7	12.73%	7	0%
Chain v. Independent Business Analysis	National Chains	8	14.55%	8	0%
	Regional/Local Chains	5	9.09%	3	67%
	Independent Businesses	42	76.36%	41	2%

Change Analysis	New Vacancies	4
	Continued Vacancies	0
	Filled Vacancies	4
	Changes in Storefront Occupant	4
	Changes in Use	0

Note: The total number of storefronts in JFK Crossing increased this year as several new or redeveloped properties with commercial storefronts came online.

Putterham		2020 Survey	% of Total Storefronts	2019 Survey	% Change '19-'20
Occupancy Analysis	Total Storefronts	16		16	0%
	Total Active Storefronts	16	100.00%	16	0%
	Total Vacant Storefronts	0	0.00%	0	#DIV/0!
	Total Vacancy Rate	0.00%		0.00%	0.00%

Use Analysis	Restaurant Use	4	25.00%	4	0%
	Service Use	8	50.00%	8	0%
	Retail Use	4	25.00%	4	0%
Chain v. Independent Business Analysis	National Chains	1	6.25%	1	0%
	Regional/Local Chains	2	12.50%	2	0%
	Independent Businesses	13	81.25%	13	0%

Change Analysis	New Vacancies	0
	Continued Vacancies	0
	Filled Vacancies	0
	Changes in Storefront Occupant	0
	Changes in Use	0

St. Mary's Station

		2020 Survey	% of Total Storefronts	2019 Survey	% Change '19-'20
Occupancy Analysis	Total Storefronts	33		33	0%
	Total Active Storefronts	30	90.91%	31	-3%
	Total Vacant Storefronts	3	9.09%	2	50%
	Total Vacancy Rate	9.09%		6.06%	3.03%

Use Analysis	Restaurant Use	11	36.67%	11	0%
	Service Use	16	53.33%	17	-6%
	Retail Use	3	10.00%	3	0%

Chain v. Independent Business Analysis	National Chains	6	20.00%	6	0%
	Regional/Local Chains	7	23.33%	6	17%
	Independent Businesses	17	56.67%	19	-11%

Change Analysis	New Vacancies	3
	Continued Vacancies	0
	Filled Vacancies	1
	Changes in Storefront Occupant	1
	Changes in Use	0

Washington Square

		2020 Survey	% of Total Storefronts	2019 Survey	% Change '19-'20
Occupancy Analysis	Total Storefronts	68		69	-1%
	Total Active Storefronts	62	91.18%	63	-2%
	Total Vacant Storefronts	6	8.82%	6	0%
	Total Vacancy Rate	8.82%		8.70%	0.13%

Use Analysis	Restaurant Use	18	29.03%	19	-5%
	Service Use	39	62.90%	38	3%
	Retail Use	5	8.06%	6	-17%

Chain v. Independent Business Analysis	National Chains	7	11.29%	10	-30%
	Regional/Local Chains	6	9.68%	6	0%
	Independent Businesses	49	79.03%	47	4%

Change Analysis	New Vacancies	3
	Continued Vacancies	3
	Filled Vacancies	3
	Changes in Storefront Occupant	3
	Changes in Use	0

6.A.

Initiatives undertaken by the Town of Brookline to support local businesses during the COVID-19 public health and economic crises

(as of December 16, 2020)

Category	Program/Initiative Description	Additional Information	Internal Partners	External Partners
Financial Assistance	Brookline Small Business Relief Grant Program to provide direct financial assistance to Brookline businesses	<p>The Select Board created this \$200,000 relief fund using supplemental federal Community Development Block Grant (CDBG) funding received through the CARES Act. The Small Business Relief Program guidelines were developed and implemented by the Community Development and Economic Development Divisions of Brookline's Planning and Community Development Department. Eligible businesses could receive up to \$15,000 in grant funding for working capital expenses. Applications opened in early June and closed a month later.</p> <p>14 businesses out of nearly 60 applicants were granted funding.</p> <p>The average grant award was \$14,285.71.</p> <p>36% of grant recipients were Microenterprise, 35% were Job Retention, and 29% were Job Creation applicants.</p> <p>In accordance with the Department of Housing and Urban Development's guidance on Women-Owned Business Enterprises and Minority-Owned Business Enterprises (WBE/MBEs) outreach and the Select Board's FY2020 objectives, grant applicants were asked to voluntarily report whether a majority of their ownership and/or employees are one or more of the following: women, minorities, and/or members of the LGBTQ community. Voluntarily reported data</p>	Community Development Division	Federal Community Development Block Grant (CDBG) partners

6.A.

		<p>for grant recipients, which was not used to compare or prioritize applications, indicated:</p> <p>Two women-owned businesses, including one Female Head of Household, two Asian-owned businesses, one white-owned business, and one business with 50% African American ownership.</p> <p>To date, employees that were either retained or hired due to this grant funding identified as:</p> <ul style="list-style-type: none"> ○ 58.3% Asian ○ 25% White ○ 17% Hispanic ○ 8.3% Black/African American ○ Additionally, 17% Female Head of Households <p>The list of Small Business Relief Grant recipients is provided in Appendix A.</p>		
	Licensing fee relief for restaurants and hotels	The Select Board reduced fees and deferred payments for certain business licenses. License fees for restaurants and lodging accommodations were reduced by 50% and the deadline for payment of the remaining fee has been extended to April 15, 2021.	Economic Development Advisory Board, Select Board	Brookline Chamber of Commerce
Creative Repurposing of Public Space	Designated Delivery-Only 15 Minute Parking Spaces	In mid-March 2020, the Transportation and Economic Development Divisions quickly implemented a temporary 15-minute Delivery Only parking spaces to support businesses as they transitioned to takeout, delivery, and curbside pick-up operations in March 2020. This program has been extended through March 31, 2021.	DPW Transportation Division, Transportation Board	Brookline Chamber of Commerce
	Extended Sidewalks	The Transportation Division quickly implemented an initiative to temporarily extend sidewalks into the	DPW Transportation Division	

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		roadway so that people could comfortably and safely practice social distancing in our commercial areas.		
	Temporary extended outdoor dining program	<p>This temporary program allowed Brookline restaurants that did not previously have approved outdoor seating, or restaurants interested in expanding their existing outdoor seating, to extend their licensed premises into adjacent sidewalk or parking areas, through an expedited approval process managed by Town staff with no public hearing, abutter notification, or application fee requirements.</p> <p>Through this COVID-era temporary approval process, Town's outdoor dining program increased significantly to 68 restaurants with approved outdoor seating in 2020 up from 38 in 2019.</p>	DPW, Transportation, Licensing, Building, Fire, Police, Town Counsel, Health Department	
	Propane Patio Heater Pilot Program	To accommodate restaurants outdoor dining service during the colder late fall and winter months, the Brookline Fire Department developed a propane patio heater pilot program to temporarily permit the use of propane patio heaters.	Brookline Fire Department, DPW	Brookline restaurant community, Coolidge Corner Merchants' Association
	Winter Outdoor Dining Pilot Program	To accommodate businesses interested in continuing outdoor dining service through the winter months, the Town recently launched a Winter Outdoor Dining Pilot Program, which features enhanced safety requirements for outdoor seating located in public parking spaces. This pilot program will expire on March 31, 2021. Guidelines for the Spring 2021 Outdoor Dining Program will be announced later this winter.	DPW, Transportation, Licensing, Building Fire, Town Counsel, Health Department	
	Webster Street Parking Lot Common Area Outdoor Dining	Throughout spring and summer 2020, the Town of Brookline designated the Webster Street parking lot in Coolidge Corner as a common area outdoor dining space. Several brightly colored picnic tables and	DPW, Transportation Division	Brookline restaurant community

6.A.

		umbrellas were provided for patrons from nearby restaurants.		
	Pop Up Tent Pilot Program	To provide sheltered customer queuing or waiting areas during the winter months, the Town will approve requests on a case-by-case basis for pop-up canopies or tents located on the sidewalk. Participating restaurants and retailers must submit a certificate of liability insurance to the Department of Public Works (DPW). Tents or canopies must be properly secured during use and removed from the sidewalk at the close of business each day.	DPW, Transportation Division	Brookline restaurant community, Coolidge Corner Merchants' Association
	Sandwich Board Pilot Program	The Town has extended its sandwich board pilot program until March 31, 2021. Ordinarily, sandwich boards are not permitted in the public way, however, the DPW Commissioner issued a temporary order allowing the use of sandwich boards to help businesses communicate with customers.	DPW, Transportation Division	Coolidge Corner Merchants' Association, Small Business Development Committee
	Temporary Retail Goods Sidewalk Display Program	A temporary program allowing retailers to display goods on the public sidewalk subject to certain conditions has been extended to March 31, 2021.	DPW, Transportation Division	Coolidge Corner Merchants' Association
	Outdoor Seating Materials Available for Loan to Restaurants	Through the Massachusetts Department of Transportation's Shared Streets and Spaces Grant Program, the Town of Brookline has obtained outdoor seating materials, which are available for loan to local restaurants. Available materials include: 10x10 white canopies and canopy walls, as well as, non-skid aluminum solid curb ramp ADA ramps (36"x36"). Café tables and chairs are currently on back order, but should be available for the Spring 2021 outdoor dining season.	DPW, Transportation Division	
	Temporary Permit Program Allowing Private Fitness Classes in Town-	Over the summer, in recognition of the COVID-related challenges facing Brookline's fitness businesses, the Town created a temporary permit	DPW	Brookline fitness business community

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	owned Parks and Open Space	program allowing private fitness classes to be held in select Town-owned parks and open spaces.		
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Communications & Outreach	Regular Virtual Town Hall Meetings with Brookline Businesses and Nonprofits	<p>March-July 2020, Economic Development and the Small Business Development Committee hosted weekly virtual town hall meetings with the business community via Zoom. Since August, these meetings have been held the first Thursday of the month from 9-10 am.</p> <p>Chaired by Select Board Member Raul Fernandez, and broadcast by Brookline Interactive Group (BIG), these meetings have been critically important in keeping the lines of communication open between the business community and Town staff.</p> <p>Typical meeting format includes updates from Town staff and Q&A with meeting participants.</p> <p>Virtual Town Hall meeting guest speakers have included: Congressman Joe Kennedy, State Representative Tommy Vitolo, Lawrence Mayor Dan Rivera, Massachusetts Office of Business Development representatives, Conviser Property Group, Pat Maloney from the Health Department, Sgt. Casey Hatchett and colleagues from the Brookline Police Department, as well as various business and legal experts.</p>	Small Business Development Committee, Health Department, Transportation Division	Brookline Interactive Group (BIG)
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	Public Health Signs for Brookline Businesses	In response to the business community's request for signage to display in their storefronts that reinforces local and state COVID public health requirements, but in a welcoming, encouraging way to their customers, the Town of Brookline developed a set of public health signage that businesses can download, print, and display in their storefronts.	Town Administrator's office, Public Health	Small Business Development Committee, Coolidge Corner Merchants' Association, Brookline Chamber of Commerce
	Significantly increased frequency of Business News Flash notifications	In addition to sending information directly to our business organization partners (i.e. the Brookline Chamber of Commerce , Coolidge Corner Merchants' Association , and Brookline Village Business Association), important updates are sent out regularly through the Town's Business News Flash notification, which has over 600 subscribers. The frequency and amount of content included in these notifications increased dramatically during the pandemic. Subscribe to Business News Flash notifications here .		
	Significantly increased social media presence	Throughout the pandemic, the Economic Development Division has significantly increased its social media presence on Twitter , but especially on Instagram , which has proven to be an effective means of reaching and engaging with the business community, and particularly with restaurants.		
	Resources for Businesses Impacted by COVID-19 info page	Economic Development created and maintained a Resources for Businesses Impacted by COVID-19 page for Brookline businesses.		
Storefront-related Initiatives	Deferral of Façade Loan Program payments	The Town deferred any Façade Loan Program payments due in 2020 to December 31, 2020.	Finance, Town Administrator's office	

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	Temporarily suspended enforcement of storefront signage requirements	To accommodate businesses' efforts to communicate with customers during the pandemic, and especially during the shutdown, the Building Commissioner temporarily waived enforcement of storefront signage requirements and restrictions.	Building Commissioner	
	Developed and launched the #shopbrookline Storefront Signage Program	In partnership with the Brookline business community, the Town of Brookline created a coordinated storefront signage program to fill Brookline's commercial areas with bright, positive messaging and clearly communicate how Brookline businesses are open for business during the pandemic. Free, 18x24 inch storefront signs have been available to Brookline businesses since May 2020. This initiative emerged from a Virtual Town Hall meeting discussion with Brookline businesses in the spring.		Coolidge Corner Merchants' Association

Appendix A: Brookline Small Business Relief Grant Recipients (2020)

Business Name	Business Address	Commercial Area	Business Type
The Viking Soccer Camp, Inc. d/b/a Viking Sports	143 Cypress St, Brookline, MA 02445	Brookline Village	Service
The Frame Gallery	357 Boylston St, Brookline, MA 02445	Brookline Village	Service
Panda Cub Academy	1200 Boylston St, Chestnut Hill, MA 02467	Chestnut Hill	Service
Nud Pob	738 Commonwealth Avenue, Boston, MA 02215*	Commonwealth Avenue	Restaurant
Coppi Frame Designs DBA Picture Place	320 Harvard St #A, Brookline, MA 02446	Coolidge Corner	Service
Knight Moves Cafe Inc	1402 Beacon St, Brookline, MA 02446	Coolidge Corner	Service
Biyoshi Salon	1382 Beacon St, Brookline, MA 02446	Coolidge Corner	Service
Sunshine Academy Childcare Inc.	164 Harvard St, Brookline, MA 02446	Coolidge Corner	Service
Vittorio's Grill	1398 Beacon St, Brookline, MA 02446	Coolidge Corner	Restaurant
Pho Lemongrass	239 Harvard St, Brookline, MA 02446	Coolidge Corner	Restaurant
Tiny Hanger	314 Harvard St, Brookline, MA 02446	Coolidge Corner	Retail
Nailosophy Inc, DBA Nailosophy	481 Harvard St, Brookline, MA 02446	JFK Crossing	Service
Nail Pro	1665 Beacon St, Brookline, MA 02445	Washington Square	Service
Brookline Hair and Nails	692 Washington St, Brookline, MA 02446	Washington Square	Service

**Nud Pob is on the Brookline-Boston border. The mailing address is Boston, but the restaurant is located in and permitted through the Town of Brookline.*



Brookline Conservation Commission (As of 12/8/20)

MEMBERSHIP, APPOINTMENT, TERM

(a) The Commission shall consist of **seven members** (excluding associates), all of whom shall be appointed by the Select Board to serve for a term of three years. There is currently one vacant position on the Commission.

(b) The initial appointments shall be made for staggered terms as follows: the term of one members shall expire after one year, the terms of two members shall expire after two years, and the terms of four members after three years. When a vacancy occurs, an appointment shall be made by the Select Board. The Commission shall recommend to the Board of Selectmen candidates to fill vacancies. A person is not precluded from serving more than one term. Commissioners must be residents of the Town of Brookline.

MEMBERS:

1. Pamela Harvey.....Term expires 2019
2. Werner LoheTerm expires 2020
3. Marcus QuigleyTerm expires 2021 – Chair
4. Roberta SchnoorTerm expires 2021 – Vice Chair
5. Pallavi Kalia Mande.....Term expires 2021
6. Marian LazarTerm expires 2017 – Associate
7. VacancyTerm expires 2020

THIS IS A SEVEN MEMBER BOARD

Online Form Submittal: Board/Commission Application Form

notifications@brooklinema.gov <notifications@brooklinema.gov>

Sun 11/8/2020 9:16 PM

To: Devon Fields <dfields@brooklinema.gov>; Ben Vivante <bvivante@brooklinema.gov>

Board/Commission Application Form

Please use this form to apply for one of the [open Board/Commission positions](#). We welcome your application and will respond to you quickly.

Name	Will Corrdin
Address	
Home Phone	
Work Phone	
Application for specific Board/Commission?	Conservation Commision
What type of experience can you offer this Board/Commission?	former volunteer w/ the Trustees of Reservation, sometime volunteer w/ Brookline Parks and Rec
What type of issue would you like to see this Board/Commission address?	open space preservation
Are you involved in any other Town activities?	<i>Field not completed.</i>
Do you have time constraints that would limit your ability to attend one to two meetings a month?	<i>Field not completed.</i>
IF RELEVANT, YOU CAN ATTACH OTHER MATERIALS (RESUME, NEWSPAPER, MAGAZINE, OR JOURNAL ARTICLE, ETC.)	<i>Field not completed.</i>

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December 14, 2020

Dear Brookline Board of Selectmen,

I am writing to express my interest in joining the Town of Brookline Conservation Commission. As a life-long Brookline resident I have witnessed the transformation of both Brookline's built environment and its open spaces over more than two decades and have a vested interest in ensuring that these processes continue in an environmentally and socially conscious manner. I believe it is essential that we take great care in balancing the needs of our growing population against our collective responsibility to minimize our community's environmental impacts and preserve its natural features.

In addressing issues under the Conservation Commission's purview my perspective would be shaped by a diverse personal, professional, and academic background that would allow me to provide valuable input. Over the course of my brief career, I have worked in construction management, both supervising field operations and assisting developers and design teams throughout the preconstruction process. Prior to this, as a student at Williams College I studied environmental economics and conducted statistical analyses of the polluting effects of labor market shifts and public policy decisions. For shorter periods I have also worked on a small farm and in a large salmon fishery and have administered a field study of the localized consequences of climate change in the Bahamas. I possess a strong understanding of the challenges and benefits of smart urban growth, the ecological and societal value to be gained from protecting natural spaces and processes, and the frequent tension between economic expansion and environmental health and conservation.

Finally, as an active person, a lover of the outdoors, and, as of last year, a wheelchair user I would like to ensure that Brookline's residential neighborhoods, commercial hubs and green spaces are connected and accessible for all of our population. The Conservation

7.B.

Commission's role in open space planning presents opportunities to further that interest, and I hope to assist in the endeavor.

Sincerely,

Sam Burrington

<https://www.linkedin.com/in/samuel-burrington-035932ba/>

Samuel.u.burrington@gmail.com

Cc: Marcus Quigley, Chair, Conservation Commission

Online Form Submittal: Board/Commission Application Form

notifications@brooklinema.gov <notifications@brooklinema.gov>

Mon 12/14/2020 4:38 PM

To: Devon Fields <dfields@brooklinema.gov>; Ben Vivante <bvivante@brooklinema.gov>

Board/Commission Application Form

Please use this form to apply for one of the [open Board/Commission positions](#). We welcome your application and will respond to you quickly.

Name	samuel burrington
Address	[REDACTED]
Home Phone	[REDACTED]
Work Phone	<i>Field not completed.</i>
Email	[REDACTED]
Application for specific Board/Commission?	Conservation Commission
What type of experience can you offer this Board/Commission?	I have three years of professional construction management experience assisting in design, development, budgeting, and contract negotiation. This may be helpful in cases where the Conservation Commission's responsibilities intersect with development efforts. I also have an academic background in environmental economics, which involved evaluating the economic impacts of land conservation and climatic shifts and the environmental impacts of industry, individual behavior, and public policy. I can bring strong analytical skills, both qualitative and quantitative, to issues pertinent to the Conservation Commission.
What type of issue would you like to see this Board/Commission address?	I would like to see the Conservation Commission encourage smart growth and planning in Brookline. As our town's population increases rapidly, I anticipate conflicts between development and conservation interests. We should strive to ensure that our open spaces and residential and commercial areas are well-integrated and serve everyone's needs. Specifically, I want to emphasize walkability and continuity of green spaces throughout the town.
Are you involved in any other Town activities?	No.
Do you have time constraints that would limit your ability to attend one to two meetings a month?	No.
IF RELEVANT, YOU CAN ATTACH OTHER	Concomm intro letter PDF.pdf

MATERIALS (RESUME,
NEWSPAPER, MAGAZINE,
OR JOURNAL ARTICLE,
ETC.)

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Online Form Submittal: Board/Commission Application Form

notifications@brooklinema.gov <notifications@brooklinema.gov>

Wed 12/2/2020 2:15 PM

To: Devon Fields <dfields@brooklinema.gov>; Ben Vivante <bvivante@brooklinema.gov>

Board/Commission Application Form

Please use this form to apply for one of the [open Board/Commission positions](#). We welcome your application and will respond to you quickly.

Name	LeRoy Watkins
Address	[REDACTED]
Home Phone	[REDACTED]
Work Phone	[REDACTED]
Email	[REDACTED]
Application for specific Board/Commission?	Small Business Development Committee
What type of experience can you offer this Board/Commission?	In my 15 years of being a small business owner, I have experience working with government leaders, residents, and businesses to make positive local change. When the town of Brookline was evaluating how to implement a bike sharing program, I worked with the business office, through my company MyBike, to figure out how that type of service could work given the towns unique dynamic. When the Brookline Chamber took over First Light, I offered to do a large scale Ninja Warrior course to engage the community in a fun new way, with the hope that people would discover other local businesses after having a blast with the ninja course. When the Brookline Village community needed help with their Village Miler Road Race, Viking stepped in to lead the popular Village Miler Road Race which takes place during the Brookline Village Fair. The strength of a community is reflected in its leaders, and I feel that my community experience through my business interactions could strengthen an already strong Brookline community. I do maintain a personal blog and active Linkedin page which you can review to get a better idea of the kind of person I am www.LeRoyWatkins.com and https://www.linkedin.com/in/leroywatkins
What type of issue would you like to see this Board/Commission address?	The Town of Brookline does a very good job with the business community already. I would like to see the Small Business Development Committee work towards diversifying the business owner dynamic to better reflect Brookline's diversity.
Are you involved in any other Town activities?	I am one of the owners of Viking Sports, which puts me in the heart of the towns recreation scene and I am a board member for the Brookline Chamber of Commerce.

Even though my schedule is very flexible, my only time constraints are my kids school. My wife works at Heath school, which means she has to physically be in the building leaving me to drop off and pick up the kids from school 3 days a week. In non covid times I am normally able to hire a Viking coach help with the childcare so I am able to fulfill some business obligations.

Field not completed.

Email not displaying correctly? [View it in your browser.](#)

Online Form Submittal: Board/Commission Application Form

notifications@brooklinema.gov <notifications@brooklinema.gov>

Fri 11/6/2020 7:00 PM

To: Devon Fields <dfields@brooklinema.gov>; Ben Vivante <bvivante@brooklinema.gov>

Board/Commission Application Form

Please use this form to apply for one of the [open Board/Commission positions](#). We welcome your application and will respond to you quickly.

Name	Christiana Akins
Address	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
Application for specific Board/Commission?	Martin Luther King Board, Planning Board
What type of experience can you offer this Board/Commission?	Event planning experience, 6 years working in education at high school and university level, advanced education and training on access and equity
What type of issue would you like to see this Board/Commission address?	Perspectives from multiple backgrounds
Are you involved in any other Town activities?	Active Farmers' Market attendee
Do you have time constraints that would limit your ability to attend one to two meetings a month?	I assume they are all on Zoom now so I should be OK.
IF RELEVANT, YOU CAN ATTACH OTHER MATERIALS (RESUME, NEWSPAPER, MAGAZINE, OR JOURNAL ARTICLE, ETC.)	Christiana Akins CV October 2020.pdf

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CHRISTIANA AKINS



EDUCATION

Florida State University, Tallahassee, FL, May 2018
Master of Science, **Higher Education**

Davidson College, Davidson, NC, May 2014
Bachelor of Arts, **Environmental Studies**

RELATED PROFESSIONAL EXPERIENCE

Undergraduate Education & Outreach Coordinator, August 2018-Present

Office for Sustainability, Harvard University

- Design and run comprehensive orientation programming including coordinating and implementing program logistics
- Coordinate and oversee outreach and educational campaigns specifically focused on the goals, standards and commitments articulated in the University-wide Sustainability Plan and aligned with institutional change
- Build strategic partnerships and collaborate with stakeholders to implement sustainability programming through partnerships with offices across the campus to better understand undergraduates' priorities and identify synergies
- Supervise 25 student employees, including self-directed experiential learning experiences designed to integrate sustainability into operational procedures and mitigate the impacts of climate change and enhance human health
- Manage a sustainability think tank, which consists of advising students on scalable projects to implement on campus
- Advise 4 first-year students interested in sustainability on course selection and career direction
- Integrate data into campaigns and messaging to inform decision making by administration
- Monitors the program budget and expenditures, which includes managing day-to-day expenses, projecting/forecasting future financial needs and processing weekly student payroll to stay within budget

House Director, May 2017—August 2017

Stanford Summer Session, Stanford University

- Served in a primary on-call rotation for crisis management of a residential population of 1,000 students
- Supervised 6 Summer Resident Assistants to create daily educational and social events for 175 residents
- Built a Behind Closed Doors experience for Summer Resident Assistant staff training
- Oversaw an \$8,000 programming budget for international student scholars
- Organized and executed educational and support-based programs for 200 international student scholars
- Created community spaces and events focused on the graduate experience for 75 graduate students
- Co-created professional development opportunities for 13 ACUHO-I summer interns

ADDITIONAL PROFESSIONAL EXPERIENCE

LeaderShape Institute On-Site Coordinator, November 2017—May 2018

The Center for Leadership and Social Change, Florida State University

- Designed and facilitated a semester-long, intentional leadership and identity based curriculum known as the Student Leadership Development Plan for two undergraduate coordinators
- Collaborated to plan logistics and participant selection for the implementation of a 6 day, 350 person conference

Asian American Student Union (AASU) Advisor, August 2017—May 2018

Student Government Association, Florida State University

- Trained, evaluated, and supported AASU executive board of 7 student leaders personally and professionally through discussions on identity development, social justice, inclusion, and community engagement
- Facilitated executive board meetings to create campus-wide initiatives such as Fall Week, Lunar New Year, and Asian American Heritage Month

7.B.

- Coached the executive board on responsible decision making concerning their annual budget of \$25,000 by interpreting, applying, and ensuring compliance with Student Body Statutes, and the rules and regulations of Florida State University

Graduate Assistant, August 2016—May 2018

Sustainable Campus, Florida State University

- Co-created sustainability curriculum for peer education on topics such as environmental justice and leadership
- Advised and mentored the Eco-Reps student coordinator and sustainability engagement intern
- Assisted in coordinating campus-wide events including Earth Month and World Water Day
- Digitally marketed Sustainable Campus events through weekly email listserv
- Built an intra-departmental internship resource guide to enhance supervisor-intern relations
- Designed a workshop series on followership and leader dynamics
- Implemented a campus-wide sustainability literacy pilot study

Kyushu Community Coordinator, May 2015—July 2016

National Association for Japan Exchange and Teaching (National AJET)

- Served as a liaison to the Ministry of Foreign Affairs, the Ministry of Education, the Ministry of Education, Culture, Sports, Science and Technology, and National AJET
- Coordinated 7 regional excursions for 500 English instructors to encourage a collaborative community environment, including the 2015 Kyushu Grand Sumo Tournament and a farm-to-table green tea experience
- Recruited 50 participants for a 65 km charity bike ride and raised \$4,000 for 2016 Kumamoto earthquake victims

TEACHING EXPERIENCE

Teaching Assistant, Spring 2017 and Spring 2018

Leadership Studies Certificate, Florida State University

LDR 2290- Leadership and Sustainability in Action

- Facilitated discussions and active learning strategies to support understanding of leadership theory and sustainability
- Monitored attendance, engagement, and performance of 25 students
- Graded and provided constructive feedback for student reflections and essays through Blackboard and Canvas

Assistant Language Teacher (ALT), July 2014—July 2016

Japan Exchange and Teaching Program, Oita Prefecture, Japan

- Team taught English as a Foreign Language (EFL) with 15 Japanese instructors at an academic high school, agricultural high school, and the prefectural school for the blind
- Fostered a mutual understanding of foreign cultures by developing materials to meet the needs of the students and to cultivate pertinence to an ever-rapidly globalizing society
- Supported EFL-related projects and programs sponsored by the prefectural government

SELECTED PROFESSIONAL SERVICE & TRAININGS

Office for Sustainability Social Equity Committee, July 2020-Present

Harvard College Day of Service Committee, May 2019-Present

Harvard College Leadership Framework Committee, October 2019-Present

Public Interested Career Conference Committee, December 2018-Present

Universal Manager Training, August 2019

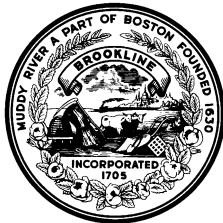
Barbara Mann Commitment to Service Award, May 2018

Florida State University Faculty/Staff of the Year Award, April 2018

VOLUNTEERING

Make-a-Wish Massachusetts Wish Granter, November 2018-Present

Victory Gardens HIV Support, January 2020-Present



TOWN of BROOKLINE

Massachusetts

MELVIN A. KLECKNER
TOWN ADMINISTRATOR

333 WASHINGTON STREET
BROOKLINE, MASSACHUSETTS 02445
TEL. (617) 730-2211
FAX: (617) 730-2054
www.brooklinema.gov

Memorandum

MEMO TO: Select Board
FROM: Mel Kleckner, Town Administrator
DATE: December 21, 2020
SUBJECT: Remaining License Renewal Issues

The remaining renewal licenses for consideration on Tuesday are the Coolidge Corner Clubhouse, WOW Barbecue, and all Lodging Houses. Here is a proposed course of action on the remaining license issues.

Coolidge Corner Clubhouse: The restaurant had its hearing before the state ABCC on alleged violations of state COVID restrictions. The matter is under advisement. The Town's efforts should be coordinated with the ABCC. Given the timing of this matter so close to the end of the calendar year, the Board should vote to renew this license and await the ABCC's sanctions, if any. Attorney Correa reminds us that the process for license non-renewal and the process for license revocation are essentially the same. I will let you know as soon as I hear about any ABCC resolution of the charges.

WOW Barbecue: The restaurant has been closed for operation by the Town for various health and safety violations. However, every license must be renewed or not prior to December 31. Notice of a license violation and possible non-renewal as a sanction has not been issued to the restaurant and it has not received a hearing to date, so we will need to initiate a notice of hearing for a license sanction up to and including revocation, if necessary. Meanwhile, the Board should renew the license at this time with the understanding that this restaurant will not re-open to the public without all departmental approvals.

Lodging Houses: The Lodging Houses at 16 Williams Street and 1876 Beacon Street have submitted their renewal applications that were missing last week. In response to complaints received last week about general operations of lodging houses in Brookline, our staff commits to perform an audit of each lodging house for compliance with state and municipal requirements, including the Town's requirement of a resident agent. We will also provide training and coordination to all enforcing departments for lodging house inspection and enforcement activities. This approach was successfully implemented last year for Open Air Parking Lots. Meanwhile, we recommend approval of all Lodging House renewal applications at this time.

Finally, there was some confusion about the Homewood Suites licenses. The Homewood Suites restaurant is operated by a separate entity (Lully's Café) that had their common victualler, liquor and entertainment licenses approved in a separate category. The original Innholder's license was never issued, but we will clean that up after the holidays.

8.A.

cc: Patty Correa, First Assistant Town Counsel
Tiffany Souza, Licensing Administrative Assistant

TOWN OF BROOKLINE

MASSACHUSETTS

Lodging House Regulations



(Voted: July 9, 2013)

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LODGING HOUSE REGULATIONS - TOWN OF BROOKLINE

(Voted: July 9, 2013)

1. **Authority and Scope:** The following lodging house regulations have been adopted by the Board of Selectmen ("Board"), the licensing authority for the Town of Brookline, pursuant to the provisions of Massachusetts General Laws ("M.G.L."), Chapter 140. Any and all licenses issued by the Board shall be governed by, and subject to the licensee's compliance with all applicable federal, state and local laws, regulations and by-laws, including but not limited to the M.G.L., these regulations, the Town of Brookline's By-Laws, all applicable building, fire prevention, zoning, health and sanitary codes, and any conditions the Board imposes on specific licenses. Where there is conflict between these regulations and a condition on the license, the condition shall govern unless it is inconsistent with the law. The Board reserves the right to modify and supplement these regulations and the conditions on any license after due notice and hearing.

2. **Definitions:**
 - A) **Lodging House:** Every dwelling or part thereof which contains one or more rooming units in which space is let or sublet for compensation by the licensee, owner or operator to four or more persons not within the second degree of kindred to the person compensated. The term Lodging House shall include: boarding houses, rooming houses, inns, bed and breakfast establishments, dormitories, fraternity houses and other similar dwelling places.

 - B) **Lodger:** A lodger is any person residing in a rooming unit including any person listed as a lodger on any lease or occupancy agreement for said unit.

 - C) **Rooming Unit:** The room or group of rooms let to an individual or household for use as living and sleeping quarters.

 - D) **Licensee:** That person(s) or entity listed on the lodging house license and the owners of the land and building where the lodging house is operated.

 - E) **Enhanced Single Room Occupancy (E-SRO) Unit:** A single unit providing independent living facilities for ONE person, including living, sleeping, and cooking facilities, located in a property with on-site shared space such as community living room, TV room, etc., that complies with applicable law, regulations, and codes, including but not limited to Section 40 of these Regulations and the Town's Zoning By-Law.

- 3. Application for a New or Renewed License:** All applications must contain complete and truthful information. Submission of an application containing false information shall be cause for refusing the application or for suspending, canceling or revoking a license already granted. No application will be accepted for filing by the Board until it is fully complete. Annual license fees shall be payable immediately upon approval of the license by the Board. Filing fees are non-returnable once an application has been accepted by the Board. License fees shall not be prorated and are not refundable.

All applications for new or renewed licenses must identify all proposed E-SRO Units within the licensed premises and as to each, the date(s) of approval(s) by the Board.

No person or entity shall obtain or renew a license unless the applicant can demonstrate proof of a legal right to the licensed premises for the term of the license, such as ownership papers, tenancy documents, or a management contract.

Application and license fees shall be in an amount established by the Board pursuant to M.G.L. c. 40, s. 22F.

In determining whether or not to grant a request for a new license, the Board shall consider matters bearing on health and morality including the adequacy of the facilities, the applicant's record in running lodging houses, and the qualifications and character of the applicant and supervisor. The Board shall not deny a license based on general grounds of adverse impact on the neighborhood.

Prior to issuing a new or renewed license, the Board shall seek advisory reports from the Police Department, Fire Department, Treasurer/Collector, Health Department, Building Department, and Planning Department, as appropriate, and shall hold a public hearing on the application.

The Board may deny an application for renewal of a license where there is cause for doing so.

The licensee's failure to comply with any federal, state or local law, regulation, or by-law may be cause for denial of the application. This includes, but is not limited to, the Town's Zoning By-Law (including, but not limited to, applicable parking requirements), State and local health codes, State Building Code, and State Fire Code.

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4. **Agreements with Lodgers:** Licensees may not enter into agreements with lodgers that are inconsistent with the terms of these regulations, including, but not limited to, the regulations requiring licensees to inspect occupied and unoccupied rooming units and requiring licensees to institute certain House Rules (*see* Section 19). Upon request, licensees shall supply to the Board or its agent a copy of agreements with lodgers and any related documents.
5. **Taxes and Charges:** All taxes and charges owed to the Town must be paid on a current basis. The Town may place a lien on the property of any person who has an outstanding balance due the town from any fee, charge or tax, which balance is at least six months past due.
6. **Transfers / Sales of Licenses:** No licensee may transfer to another person or entity a license issued pursuant to these regulations except upon application to and approval by the Board of the transfer. Any such transfer shall be subject to the terms and conditions of the original license, unless otherwise stipulated by the Board.
7. **Display of Licenses:** All licenses issued by the Town pursuant to these regulations shall be displayed on the premises in a conspicuous place where they can be easily read.
8. **Responsibilities of Licensee:** The licensee shall be responsible for the proper supervision, operation, and maintenance of the lodging house in accordance with the requirements of these regulations and all other pertinent laws, by-laws, regulations and codes. The appointment of an agent shall in no way relieve the licensee from responsibility for full compliance with the law.
9. **Agent(s):** If the licensee, because of health, other employment, non-residence on the premises, frequent or extended absences from the premises or other reason, is unable to exercise proper supervision of the premises, he/she shall designate one or more agent(s) to carry out all or part of his/her responsibilities. In the event that the licensee does not reside on the premises, the licensee shall designate a resident agent. The Board of Selectmen shall approve such agent(s) prior to assumption by the agent of the agent's responsibilities. Depending on the qualifications of the agent(s) designated and the extent of the agent's responsibilities, the board may require that more than one agent be provided. If, for any reason, an agent ceases to exercise his/her responsibilities, the licensee shall at once notify the Board of Selectmen and take immediate steps to provide proper interim supervision and obtain a suitable replacement approved by the Board.

The agent(s) shall be available on a 24-hour basis and must post his/her telephone numbers (including cell phone number) and beeper number, as applicable, in a

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conspicuous place inside the Lodging House. The agent must also respond to calls from the town within a reasonable time (with respect to emergency issues, immediately (within one hour); with respect to all other issues, by the end of the day). The agent must also notify the Selectmen's Office, Police Department, Health Department, Fire Department and Building Department of his/her telephone and beeper numbers.

Each educational institution shall submit to the Board of Selectmen the name of the Dean of Residences or other school official having jurisdiction over each dormitory, specifying the specific building. Educational institutions must designate and list the Dorm Director for each assigned building. (This includes off-campus housing facilities leased or rented by the institution.)

Each fraternity shall submit to the Board of Selectmen the names of the officers or other members living on the premises who are responsible for the operation of the fraternity house, the university with which the fraternity is affiliated, and the Dean of Residence or other university official having jurisdiction over the fraternity.

The foregoing requirements for approval of agents shall not apply to those lodging houses that are dormitories of educational institutions or fraternities.

10. Mandatory Training for Licensees and Agents:

- A. All Licensees and their Agent(s), including, in the case of educational institutions, the Resident Agent or Dean of Residence, shall complete a one-time training program conducted by the Brookline Health Department along with representatives from the Town's Building Department, Fire Department and Police Department.
- B. The training program shall be offered once per year and will be an instructional program that will educate the licensee and the agent(s) with regard to the requirements of the Town's these regulations and any other laws or related topic(s) as the Town may deem necessary for the safe and proper operation of lodging houses.
- C. If at any time there is a change in the Licensee, Agent, Resident Agent or Dean of residence, the newly designated person(s) shall be required to complete the training program.
- D. Failure to complete the training program may result in a fine of the license holder not to exceed \$500.00 or the suspension or revocation of the lodging house license, as the Board of Selectmen after notice and hearing may determine.

11. Registers, Card Files and Rosters: The licensee of every lodging house, except dormitories of educational institutions and fraternities, shall keep or cause to be kept, in permanent form, a register. Such register shall contain the true name or name in ordinary use and the last residence of every person engaging or occupying a private room together

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with a true and accurate record of the room assigned to such person and of the day and hour of check-in and check-out. The entry of the names of the persons engaging a room and the lodgers of said room shall be made by said person engaging said room or by the lodger thereof.

Until the entry of such name and the record of the room have been made, such person shall not be allowed to occupy privately any room upon the licensed premises.

In addition, each licensee shall keep or cause to be kept a card file containing current information on each lodger including full name, date and time of registration, room number, former address, place of employment, registration number, state of registration, and make of automobile, and the name and telephone number of the person to be notified in case of emergency. These cards should be kept for a minimum of one year after departure of the lodger.

Licensees of dormitories and/or fraternities shall maintain a roster of all persons residing therein.

The register, card file, and roster required in this section shall be available for inspection at all times by any town official.

The register and card file or the roster may be stored in a fireproof depository at all times. Registers, card files and rosters, shall be kept electronically, both on and off site, if not stored in a fireproof safe. Copies of these records shall always be maintained and be available for inspection by any Town official.

- 12. Minors:** No room shall be let to any unemancipated person who is younger than eighteen (18) years of age, except one who has the written consent of his/her parent or guardian. In cases where the licensee or agent is unable to determine whether the lodger is a minor, he/she shall notify the Police Department.
- 13. Town Inspections:** Town inspections shall be made on an annual basis by authorized inspectional departments to determine compliance with applicable state and local laws, regulations and codes. Annual inspections shall be made on week-days during normal Town business hours. In addition, inspections may be made at other times (including but not limited to evenings and weekends) to investigate complaints or non-compliance issues. Inspections may include all areas occupied, used or controlled by the licensee and within the structure containing the licensed premises, including apartments, leased units and other occupied and non-occupied space. Inspections shall be conducted in conformity with applicable federal, state and local law. Facilities requiring re-inspection are subject to applicable re-inspection fees.

- 14. Minimum Standards:** These regulations are minimum standards intended for the maintenance and enforcement required for the protection of health, safety and welfare of all persons concerned. If there is any conflict with state or local law, the stricter provision shall apply.

With regard to licensed premises with E-SRO Units, in the event of a conflict between any provision of these regulations that is of general applicability and any special rule applicable to lodging houses with E-SRO units set forth in Section 40 below, the requirement of Section 40 shall apply.

All lodging houses shall comply with the requirements of Article II of the State Sanitary Code, Minimum Standards of Fitness for Human Habitation, which is incorporated herein by reference, and with the requirements of these regulations, whenever they are in addition to or more stringent than the requirements of Article II of said code.

All lodging houses in which meals are served to lodgers shall comply with the requirements of Article X of the State Sanitary code, Minimum Sanitation Standards for Food Establishments, which is incorporated herein by reference, or to such lesser standards as may be approved in writing by the Director of Public Health.

- 15. New or Newly Renovated Facilities v. Existing Licensed Facilities:** New and renovated lodging houses must comply with all applicable State and Local Codes, Rules and Regulations in effect at time of construction. Consistent with and as may be permitted by Building Code, Fire Code, and Health Code, certain provisions of these regulations establish more flexible standards applicable to existing facilities previously licensed as lodging houses, so long as they conform with applicable code requirements in effect at the time of construction or rehabilitation.
- 16. Bathroom Facilities:** Bathroom facilities, as required by the Sanitary Code, shall be located on the same floor as the individuals who are to use them.
- 17. Space and Use:** Every room occupied for sleeping purposes shall contain at least 70 square feet of floor area and shall have a minimum dimension of 7 feet. Existing rooms in lodging houses approved and licensed as of May 12, 1999, may have a minimum dimension of not less than 6 feet, but no existing room having a minimum dimension of 8 feet or more shall be reduced in width to less than 8 feet.

Every room occupied for sleeping purposes by more than one person shall contain at least 80 square feet of floor space for the first occupant and at least 60 square feet for each additional occupant. In fraternities or dormitories where other living space is provided, this requirement may be reduced by the amount of such common living space per lodger as

approved by the Building, Fire and Health Departments.

See Section 40 of these regulations for special rules applicable to E-SRO Units.

18. Room Furnishings:

A. Every room occupied for living and sleeping purposes shall contain:

- (1) a bed, in good repair, with a firm and even mattress provided by the Owner or the Lodger may choose to provide his/her own bed and mattress;
- (2) a dresser with at least 16 cubic feet of storage space;
- (3) at least 6 cubic feet of closet space per lodger including at least 3 feet of hanging rod; and
- (4) an unperforated, non-combustible waste basket.

If freestanding wardrobes within the room provide the required closet space, the floor area occupied by such wardrobes shall not be included in the computation of required room size under Space and Use, Section 17, above.

B. It is recommended that the following items be included with the room furnishings or provided in a common area:

- (1) a desk or table, at least 19 inches wide with a top of not less than 6 square feet and a straight back chair;
- (2) a lounge chair;
- (3) an individual towel rack; and
- (4) a suitable floor covering.

19. House Rules & Supervision: Licensees and their agent(s) must:

- A. Exercise due care in the selection of lodgers.
- B. Inspect all common areas at least daily and all occupied rooms at least monthly and at every change of lodger to insure that all such areas are in a clean and orderly condition and in compliance with the licensee's electrical use policy and regulations pertaining to obstruction of egress, cooking in rooms, and other health and safety hazards. A schedule of inspections must be posted at least forty-eight hours prior to said inspection. Posting of the schedule for inspections shall not apply in the case of an emergency.
- C. Institute and enforce such house rules as are necessary to prevent the lodging house from being a cause of complaint to the Police Department or a cause of nuisance or annoyance to the neighborhood.
- D. Ensure that House Rules are in writing and state that the lodgings are subject to licensing by the Town of Brookline and are subject to and must comply with the Town's Lodging House Regulations.

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In addition, House Rules shall **at a minimum** contain rules adequate to address the following matters:

- (1) Noise control, including use of audio or other equipment that may disturb the peace;
- (2) Adherence to the requirements of Article 8.5 of the Town By-Laws regarding disorderly behavior;
- (3) Adherence to these Lodging House Regulations, and the consequences for repeated violations;
- (4) Proper garbage disposal and sanitary storage of food items;
- (5) Cleanliness of rooming units and common areas;
- (6) Unobstructed path of egress from entry door to fire escape, particularly in exit rooms;
- (7) Compliance with approved electrical use policy;
- (8) Prohibition of use of fire escapes for general access to rooms; and
- (9) Any other provisions as may be required by the Board or its agent.

- E. Provide a copy of the current House Rules to the Board of Selectmen or its agent upon request.
- F. Post a copy of the House Rules in a common area of the lodging house.
- G. Provide every lodger who intends to remain, or has remained, for more than thirty days with a copy of the House Rules.
- H. Meet with the lodgers on an annual basis to discuss House Rules, except with respect to transient lodgers (30 days or less).
- I. Take whatever steps are necessary to stop Lodger(s) from repeatedly violating House Rules or the requirements of these regulations, up to and including eviction.

20. Housekeeping: It shall be the duty of the licensee and/or his/her agent to provide or cause to be provided:

- A. Clean sheets and pillow cases to each lodger at least once a week and at each change of lodger.
- B. Clean blankets and bedspreads to each lodger at each change of lodger and when otherwise necessary.
- C. A clean mattress pad and/or mattress cover at each change of lodger and when otherwise necessary.
- D. Daily cleaning of all common bathroom facilities and community kitchen and laundry facilities.
- E. Cleaning of all occupied rooms at the change of each lodger or as otherwise necessary for sanitary purposes.
- F. Cleaning, as necessary, of all other common areas.

If a room is let for thirty (30) consecutive days or more, the Licensee may modify the

requirements in paragraphs A through C above.

- 21. Pest Control Inspections and Treatment:** Licensees must have inspections performed by a licensed pest control operator (PCO) every 6 months (unless ordered to do so more frequently by the Health Department). PCO inspection reports must be kept on file for review. Inspections must include, but not be limited to, bed bugs, insects, and rodents. The licensee must take appropriate action to address any findings by the PCO. Licensees that can demonstrate long-term occupancy by a majority of the residents (greater than one year continued occupancy) may request a waiver of this inspection requirement. Waivers will be applied for and approved by the Director of Public Health.
- 22. Storage, Collection & Disposal of Waste:** The Licensee and his/her agent(s) shall comply with the Town of Brookline's Regulations Governing the Handling, Storage, Collection and Disposal of Waste adopted on June 26, 1998, by the Director of Public Health and all other state or local laws pertaining to the proper storage, collection and disposal of waste. Responsibilities of the Licensee and Agent(s) include, but are not limited to, the following:
- A. Storing garbage in watertight, rodent-proof receptacles with tight-fitting covers.
 - B. Providing as many receptacles as are sufficient to contain accumulation of all garbage before final collection.
 - C. Locating garbage containers in an area where objectionable odors will not enter any dwelling.
 - D. Informing all lodgers of the rules regarding proper storage, collection and disposal of waste.
 - E. Placing garbage for collection in the designated location no later than 7:00 a.m. on the day of the scheduled collection, and no earlier than 3:30 p.m. of the day preceding the scheduled collection.
 - F. Removing all empty containers of any kind from the area of collection no later than midnight of the collection day.
 - G. Private curbside collection must be carried out on a schedule consistent with the Town's curbside collection service, with regard to the time and date of pick-up. The Commissioner of Public Works must approve any exceptions to this. This rule does not apply to private collection at locations other than curbside, such as at the rear or side of the property.
 - H. Town of Brookline Legal Holidays and Holiday Collection Schedule must be observed. A list of legal holidays can be found in Section V(D) of the Town's Regulations Governing the Handling, Storage, Collection and Disposal of Waste (copies of which are available from the Health Department). There will be no collections on legal holidays. Collections on or following a legal holiday will be done one day later for the remainder of that week.

Licensees and their agent(s) should familiarize themselves with the Town's Regulations Governing the Storage, Collection and Disposal of Waste, copies of which are available at the Brookline Health Department. Recycling should be a part of the licensee's solid waste

management plan.

23. **Lighting and Electrical Facilities:** The electrical service to the building shall conform with the rules and regulations issued by the Commonwealth of Massachusetts, Department of Public Safety, Board of Fire Prevention Regulations, known as the Massachusetts Electrical Code, which is incorporated herein by reference. Specific questions regarding the requirements of the Massachusetts Electrical Code may be directed to the Town of Brookline Electrical Inspector.
24. **Heating Systems:** The owner shall provide and maintain in good operating condition the facilities for heating every habitable room and every room containing a toilet, shower or bathtub to such temperature as required by the State Health Code.

Central heating systems shall be provided with all the safety devices required for new installations under all applicable laws, by-laws, and regulations of any authority having jurisdiction thereof. The heating system should be located in any area suitably ventilated to ensure the safe operation of the heater or burner.
25. **Automatic Fire Alarm System:** All lodging houses shall be equipped with automatic smoke or heat detectors. The design, installation, and performance of fire warning systems required by M.G.L. c. 148, § 26C, shall be in accordance with NFPA 72.
26. **Sprinkler Systems:** Every lodging house shall be protected throughout with an adequate system of automatic sprinklers in accordance with the provisions of the state building code. Fire protection systems shall not be disconnected or otherwise rendered unserviceable without first notifying the fire department. The design, installation, and performance of required fire warning systems, pursuant to M.G.L. c. 148, § 26H, shall be in accordance with NFPA 13 and 72.
27. **Carbon Monoxide Protection:** All lodging houses shall be equipped with carbon monoxide protection and shall meet the requirements of 527 CMR 31.00 (Carbon Monoxide Alarms) and 248 CMR as referenced in 780 CMR and pursuant to 780 CMR Section 916 (Carbon Monoxide Protection). Carbon monoxide alarms, carbon monoxide detectors and combination smoke/carbon detectors described in 780 CMR Sections 916.1.1 through 916.1.4 shall be installed and maintained in accordance with M.G.L. c. 148, § 26 ½, 105 CMR 410.482, 527 CMR 31.00, 248 CMR, 780 CMR, NFPA 72 and 720, and these regulations.
28. **Care and Maintenance of Fire Protection Systems:** The Licensee shall be responsible for the care and maintenance of all fire protection systems, including equipment and devices, to insure the safety and welfare of the lodgers. If required fire protection systems are temporarily out-of service for maintenance or repair, the Licensee or his/her agent(s) shall immediately advise the fire department and shall diligently restore the system to working order. Installation of, or modification to, any automatic fire protection

system shall require a permit from the head of the fire department.

All lodging houses must submit to Fire Prevention the annual Fire Alarm and Sprinkler System tests for the facility at the annual inspection conducted every year.

Aisles, floors, halls, stairways, fire escapes, doors and windows shall be kept in good repair and ready for use, and shall be kept properly lighted.

No person shall shut off, disconnect, obstruct, remove or destroy, or cause or permit to be shut off, disconnected, obstructed, removed or destroyed, any part of any sprinkler system, water main, hydrant or other device used for fire protection in any building owned, leased or occupied by such person or under his control or supervision, without first procuring a written permit to do so from the head of the fire department.

29. Egress From and Access to Building:

Any obstacle that may interfere with the means of egress or escape from any building or other premises, or with the access to any part of said building or premises by the fire department in the case of fire, shall be removed from aisles, floors, halls, stairways and fire escapes. Doors and windows designated as exits shall be kept clear at all times.

No person shall at any time place an encumbrance of any kind before or upon any fire escape, balcony or ladder intended as a means of escape from fire. The means of egress from each part of the building, including stairways, egress doors, and any panic hardware installed thereon, aisles, corridors, passageways and similar elements of the means of egress, shall at all times be maintained in a safe condition and shall be available for immediate use and free of all obstructions.

All lodging houses shall establish and post an Evacuation Plan in compliance with the NFPA Protocol for residential occupancies on all levels of the building and near all exits. The facility is required to conduct at least two Evacuation Drills a year and submit documentation to Fire Prevention showing that they have been done.

All exterior bridges, steel or wooden stairways, fire escapes and egress balconies shall be maintained in accordance with 780 CMR 1028.0 and shall be examined and/or tested, and certified for structural adequacy and safety, every five (5) years by a Massachusetts registered professional engineer, or others qualified and acceptable to the Building Commissioner or his/her designee. The engineer or other party shall after inspection submit an affidavit to the building department.

- 30. Egress Facilities in Existing Licensed Facilities:** There shall be at least two separate and adequate ways of egress from each occupied story of a lodging house. The number and location of such ways of egress shall allow every lodger to reach the outside at ground level by a second way of egress if the principal or customary egress is blocked by fire or smoke, or is otherwise obstructed. At least one of the required ways of egress shall be a protected interior egress and additional required ways of egress shall be either protected interior egresses or approved fire escapes that lead to a place of safety.

A protected interior egress shall be defined to mean an interior stairway, including all halls or corridors connecting the flights of stairs or leading to an exterior door at ground level, or providing access from any room, group of rooms, or apartment.

See Section 40 of these regulations for special rules applicable to E-SRO Units.

31. Approved Fire Escapes in Existing Licensed Facilities:

An approved fire escape shall be an exterior stairway with balconies or landings at each floor, and having clear egress to a street, way or place of safety at ground level. Stairs, balconies and landings shall be constructed of non-combustible materials and landings shall be 2 feet in width of passage. Balconies and landings shall be not more than 9 inches below the top of exterior doorsills or windowsills with which they connect.

- A. Access to Approved Fire Escapes.** Access from any occupied story to an approved fire escape shall be through a door or window opening with approved hardware, T turn knob, lever or push bar which by one operation will release the door from the inside. Existing opening may, at the discretion of the Building Department, remain but may not be reduced in width or height unless otherwise required by applicable law. Doors shall open in the direction of egress so as to allow clear passage. If the top of the doorsill is more than 18 inches above the floor, approved steps permanently secured to the structure shall be provided. No storm or screen door shall be used in such locations. Except as stated immediately above, no devices that require unlocking from the inside shall be used. Access to fire escapes shall be from a common hall or corridor or otherwise accessible room that is not a toilet or bathroom. If access to a fire escape is from an accessible room, the room shall lead directly to a common hall or corridor. Any door through which a fire escape must be accessed shall have hardware allowing release by one operation with no locking device, permitting opening at all times in the direction of egress.
- B. Access through Private Rooms.** No private room shall be used as access to a required fire escape unless the door to the room is equipped with an emergency exit lock as noted in Section 31(A) above.
- C. No Obstructions.** No obstruction shall be permitted in the path of egress to a fire escape.
- D. Emergency Use Only.** Fire escapes are to be used for emergency purposes only. Use of fire escapes for general access to rooms is strictly prohibited.

32. **Exit Signs:** Continuously illuminated exit signs shall be provided. Location, illumination, graphics and power source of exit signs shall comply with 780 CMR 1011 (Exit Signs) and shall be approved by the Building Commissioner.
33. **Emergency Lighting:** Approved emergency lighting shall be provided along the ways of egress. The number, type and location of emergency lighting units shall be as designated by the Building Commissioner.
34. **Portable Fire Extinguishers:** Portable ABC fire extinguishers of a type and capacity approved by the Chief of the Fire Department shall be provided for each story and basement (one for each 2500 square feet of the floor area or portion thereof), maintained in a fully-charged and operable condition at all times, and kept in their designated places when not being used. Such fire extinguishers shall be inspected and serviced annually and after each use in accordance with NFPA 10. Fire extinguishers shall be conspicuously located where they will be readily accessible and immediately available in the event of fire. Preferably they shall be located along normal paths of travel, including exits. Fire extinguishers shall not be obstructed or obscured from view. Portable fire extinguishers shall be securely installed on the hanger or in the bracket supplied, or placed in cabinets or wall recesses. The hanger or bracket shall be securely and properly anchored to the mounting surface in accordance with the manufacturer's instructions. Fire extinguishers installed under conditions where they may be subject to dislodging shall be installed in brackets specifically designed to cope with this problem.

See Section 40 of these regulations for special rules applicable to E-SRO Units.

35. **Combustible Storage:** Combustible or flammable material shall not be placed, stored or kept in any portion of an exit or elevator car or hoist way or at the bottom of a stairway, fire escape or other means of escape.
36. **Candles:** The use of candles or other items that requires burning to be used (incense, odor oils, etc.) is prohibited.
37. **Portable Heaters:** The use of portable heaters is strictly prohibited.
38. **Electrical Use Policy:** All lodging houses shall establish and enforce an electrical use policy approved by the Fire Department. The electrical use policy shall:
 - (a) limit the number of appliances that can be used in a room to the number of electrical receptacles in the room.
 - (b) prohibit in-room use of toaster ovens, electric hot plates, gas plates, ovens, stoves (including stoves using sterno or other fuel), electric percolators, grills, toasters, toaster

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ovens or other means of cooking other than microwaves without convection. (The licensee may, in its discretion, prohibit use of microwaves without convection.)

(c) prohibit the use of light gauge lamp cord extension cords. (The use of one surge-protected electrical strip to protect computers or electronic equipment is permitted.)

(d) prohibit the use of halogen lamps and portable heaters.

(e) state that other devices and equipment may be made subject to the Fire Department's approval.

- 39. Cooking in Rooms:** The use of electric hot plates, gas plates, ovens, stoves (including stoves using sterno or other fuel), electric percolators, grills, toasters, toaster ovens or other means of cooking is prohibited in any room other than a kitchen in a common area that is approved by the Building Commissioner. Lodgers may use microwaves without convection in their Rooming Units with the approval of the Licensee. Licensees shall not equip Rooming Units with means of cooking other than microwaves without convection and shall prohibit lodgers from doing so.

Notwithstanding the foregoing, licensees may provide cooking facilities and permit cooking in Board-approved E-SRO Units that comply with applicable law, including, but not limited to, Section 40 of these Regulations and the Town's Zoning By-Law.

- 40. Special Rules Applicable to Lodging Houses with Enhanced Single Room Occupancy (E-SRO) Units:**¹ Licensees must be approved by the Board to include E-SRO Units within the licensed premises. Licensed premises with E-SRO Units shall comply with the following rules. In the event that there are differences between the following rules and other provisions of these regulations, the following rules shall prevail.

A. Fire Extinguishers. Each E-SRO Unit must be equipped with an ABC fire extinguisher in a manner that complies with Section 34 of these regulations, located inside the unit within 3 feet of the exit door.

B. Life Safety. Structures with E-SRO units must comply with the minimum life safety requirements applicable to new construction for R-1 occupancies in conformity with 780 CMR (Building Code), including requirements regarding two independent means of egress. Fire sprinklers and fire alarms shall be installed in conformity with 780 CMR (Building Code), 527 CMR (Fire Prevention Regulations), and NFPA Sections 13 (Sprinkler Systems) and 72 (Fire Alarm Systems).

¹ See Section 2(E) of these Regulations.

- C. Individual Cooking Facilities.** Cooking facilities in E-SRO Units shall consist of a mini-kitchen providing a minimum of 3 feet passage space between the counter or appliance front and the facing wall, an adequate-sized sink with running hot and cold water, a storage area for food, a refrigerator, and a minimum of 2 linear feet of counter space. Cooking equipment shall be limited to an electric 2-burner unit cooktop and microwave oven with or without convection. Accessory appliances are permitted to the extent they comply with the licensee's approved electrical use policy. Cooking equipment shall be provided with approved means of mechanical ventilation to the exterior. Installation shall comply with 780 CMR and the manufacturer's installation instructions. Cooking facilities shall comply with the applicable building code. Licensees must apply to the Health Department and obtain a waiver of the State Sanitary Code, 105 CMR 410.100 Kitchen Facilities, should the proposed kitchen facilities not comply with the requirements of that Code provision.
- D. Dimensional Requirements.** Each E-SRO Unit shall comply with the following dimensional requirements:
1. A minimum of 175 square feet.
 2. A minimum of 120 square feet of living space.
 3. Ceiling height of at least 7 feet 6 inches.
 4. No dimension to be less than 8 feet, except for bathroom and closet.
 5. Maximum square feet per unit shall not be greater than 350 square feet except as may be required to provide an accessible unit that complies with state and federal law, including 521 CMR, the federal Americans with Disabilities Act, and the federal Fair Housing Act.

41. Maintenance:

- A. The building and all parts thereof shall be kept in good general repair and properly maintained. All exterior surfaces shall be kept painted where necessary for the purposes of preservation of structural elements or appearance. Interior walls and ceilings shall be periodically refinished in order to maintain such surfaces free from stains, marks, or visible foreign matter.
- B. All outdoor areas not devoted to walks and drives or otherwise paved shall be landscaped and adequately maintained to prevent overgrowth or unsightly conditions.
- C. Outdoor walks and drives and exterior ways of egress shall be kept unobstructed, free of litter, and clean. Accumulation of ice and snow shall be removed from such areas, including required ways of egress to provide safe walking surfaces and shall be removed in accordance with Article VIII, Section 19(b) of the Town of Brookline By-Laws, as may be amended. A copy of the by-law is available on the Town Clerk's page of the Town's web-site (www.brooklinema.gov) or from the Town Clerk's Office.

8.A.

42. **Occupancy:** No licensee shall vary the occupancy of the licensed premises as certified by the Building Department.
43. **Town of Brookline Smoking By-Law:** All lodging houses must conform to the requirements of Article 8.21 of the Town By-Laws regarding Tobacco Control, as may be amended. A copy of the by-law is available on the Town Clerk's page of the Town's web-site (www.brooklinema.gov) or from the Town Clerk's Office.
44. **Town of Brookline Noise By-Law:** All lodging houses must conform to the requirements of Article 8.15 of the Town By-Laws regarding Noise Control, as may be amended. A copy of the by-law is available on the Town Clerk's page of the Town's web-site (www.brooklinema.gov) or from the Town Clerk's Office.
45. **Town of Brookline Snow Removal By-Law:** All lodging houses must comply with the requirements of Article 7.7.2 of the Town By-Laws regarding snow removal. A copy of the by-law is available on the Town Clerk's page of the Town's web-site (www.brooklinema.gov) or from the Town Clerk's Office.
46. **Discrimination Prohibited:** No licensee shall engage in unlawful discrimination on the basis of race, color, national origin, creed, disability, sex, sexual orientation, or ancestry.
47. **Variations in Specific Cases:** The Board of Selectmen may vary any provision of these regulations in a specific case, which appears to them not to have been contemplated by the regulations or in a case where manifest injustice would result. The decision of the Board in such cases shall not conflict with the spirit of any of the regulations or the purpose thereof. In each case, the Board of Selectmen shall make its decision only after consideration of any report, which may be filed with it by the appropriate Department(s).
48. **Certificates of Inspection:** The Board of Selectmen may require certificates of inspection certifying compliance with the various sections of the lodging house regulations.
49. **Severability of Provisions:** The invalidity, if so declared by a court of competent jurisdiction, of any provision of these regulations shall not affect the validity of the remainder of them.

- 50. Penalty:** Whoever refuses, neglects or fails to comply with any of these regulations shall be subject to license suspension, license revocation, a fine imposed pursuant to and in conformity with Article X of the Town By-Laws, and/or to the penalties imposed by M.G.L. c. 140 § 22, *et seq.*, where applicable, and/or such other provisions of law including but not limited to the State Sanitary Code, Fire Code, Building Code, Brookline by-laws and other regulations and fines applicable to the particular violation.

The licensee's failure to comply with any federal, state or local law, regulation, or by-law (including, but not limited to, these regulations, the Town's Zoning By-Law (including, but not limited to, applicable parking requirements), State and local health codes, State Building Code, and State Fire Code) may be cause for license suspension, license revocation, or a fine, as stated above.



Economic Development Advisory Board
(as of December 18, 2020)

MEMBERS:

Anne Meyers, Co-Chair.....Term expires 2021

Paul Saner, Co-Chair.....Term expires 2020

Alan Christ.....Term expires 2019

Cliff Brown.....Term expires 2020

Derrick Choi.....Term expires 2020

Susan Houston.....Term expires 2021

Carol Levin.....Term expires 2021

Kenneth Lewis.....Term expires 2019

Thomas Nally.....Term expires 2019

Marilyn Newman.....Term expires 2019

Alden Raine.....Term expires 2021

Vacancy.....Term expires 2022

Recent activity:

Paul Saner interviewed for reappointment on 8/25/20

Alan Christ interviewed for reappointment on 9/8/20

Ekaterina Torchilin interviewed as a new appointment 9/15/20

Derrick Choi interviews for reappointment on 9/22/20

Jeff Wachter interviews as a new appointment 9/22/20

Tom Nally interviews for reappointment on 9/29/20

Cliff Brown interviews for reappointment on 10/6/20

Kenneth Lewis interviews for reappointment 10/13/20

Marilyn Newman interviews for reappointment on 10/20/20

Sandi Silk interviews as a new appointment on 12/15/20

There are 3 new applicants, 7 reappointment applicants, and 1 vacancy to be voted on December 22, 2020.

Online Form Submittal: Committee Reappointment Interest Form

notifications@brooklinema.gov <notifications@brooklinema.gov>

Fri 7/31/2020 4:08 PM

To: Devon Williams <dwilliams@brooklinema.gov>

Committee Reappointment Interest Form

Date	7/31/2020
Name	Alan R Christ
Street Address	
Zip	02445
Preferred Phone #	
Committee you are a member of?	EDAB
List of accomplishments in the last 3 years.	River Road Study Committee Rezoning, Waldo Durgin Rezoning, Kent-Station Senior Housing RFP, Net Zero 9th School Warrant Article
Future Goals	Zoning Reform in Transit Priority Overlay Districts, Reduce or Eliminate Residential Parking Minimums, Energy Benchmarking for Large Buildings, Encourage Affordable Housing on Town-Owned Sites, Encouraging Gateway East Infill Development, Encouraging Centre Street Parking Lot Redevelopment
Questions? Please contact the Select Board at selectboard@brooklinema.gov, 617-730-2200	

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Online Form Submittal: Committee Reappointment Interest Form

notifications@brooklinema.gov <notifications@brooklinema.gov>

Sun 8/2/2020 6:30 PM

To: Devon Williams <dwilliams@brooklinema.gov>

Committee Reappointment Interest Form

Date	8/3/2020
Name	Paul Saner
Street Address	[REDACTED]
Zip	[REDACTED]
[REDACTED]	[REDACTED]
Committee you are a member of?	EDAB
List of accomplishments in the last 3 years.	<p>2017 ZBA approval of the Hilton Garden Inn at River Road.</p> <p>2017 MAPC community engagement concluding EDAB's Planning for a Changing Brookline series.</p> <p>2017 Granting of an additional 12 liquor licenses by the ZBA.</p> <p>2018 Zoning permitting recreational marijuana.</p> <p>2018 Presentation to the Select Board of the 5-year Economic Development Plan.</p> <p>2019 Negotiated the business deal as part of the Approval by Town Meeting of the Waldo Durgin zoning overlay district.</p> <p>2019 Co proponent of the warrant article to eliminate parking minimums for most commercial uses in the Transit Oriented Parking District.</p> <p>2019 Participated in the compromise leading to the passage of Article 21.</p> <p>2019 Participated in BFAC's Economic Development recommendation ,</p> <ul style="list-style-type: none"> • 2020 Presented on behalf of EDAB at the cross-board development forum. <p>2020 Negotiated the business deal as part of the Approval by Town Meeting of the Newbury senior living zoning overlay district.</p> <p>2020 Representing EDAB along with Al Raine on the Building a Better Brookline housing affordability forums.</p>
Future Goals	<p>For the Select Board and Town Administrator to:</p> <ul style="list-style-type: none"> • support the Economic Development recommendations of BFAC; and to • support the 2018 5-year Economic Development plan by actively promoting zoning reform in our mixed-use corridors to make possible commercial and residential development that advance multiple Town goals, including economic development, affordable housing, racial justice, climate sustainability, and transportation access. This will require leadership for study

committees, prioritizing the full staffing of the Economic Development division, and consulting resources.

Questions? Please contact the Select Board at selectboard@brooklinema.gov, 617-730-2200

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Online Form Submittal: Board/Commission Application Form

notifications@brooklinema.gov <notifications@brooklinema.gov>

Fri 7/31/2020 9:04 PM

To: Devon Williams <dwilliams@brooklinema.gov>; Ben Vivante <bvivante@brooklinema.gov>

Board/Commission Application Form

Please use this form to apply for one of the [open Board/Commission positions](#). We welcome your application and will respond to you quickly.

Name	ekaterina torchilin
Address	[REDACTED]
Home Phone	[REDACTED]
Work Phone	Field not completed.
Email	[REDACTED]
Application for specific Board/Commission?	ECONOMIC DEVELOPMENT ADVISORY BOARD
What type of experience can you offer this Board/Commission?	MBA, 20+ years of experience in management, finance, fundraising
What type of issue would you like to see this Board/Commission address?	increase Brookline' economic prosperity
Are you involved in any other Town activities?	Larz Andersen Rink task force
Do you have time constraints that would limit your ability to attend one to two meetings a month?	no
IF RELEVANT, YOU CAN ATTACH OTHER MATERIALS (RESUME, NEWSPAPER, MAGAZINE, OR JOURNAL ARTICLE, ETC.)	Field not completed.

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Online Form Submittal: Committee Reappointment Interest Form

notifications@brooklinema.gov <notifications@brooklinema.gov>

Fri 9/11/2020 8:52 AM

To: Devon Williams <dwilliams@brooklinema.gov>

Committee Reappointment Interest Form

Date	9/11/2020
Name	Derrick Choi
Email:	[REDACTED]
Street Address	[REDACTED]
Zip	[REDACTED]
Preferred Phone #	6 [REDACTED]
Committee you are a member of?	Economic Development Advisory Board (EDAB)
List of accomplishments in the last 3 years.	1) Holiday Inn Committee, 2) Newbury College Zoning Committee
Future Goals	<p>Brookline's underlying socio-economic inequities and BFAC findings from last year have been highlighted by the pandemic. We need some immediate wins in the next 6 months, perhaps in the following order: 1) small business recovery tactical planning, 2) re-assess and re-prioritize BFAC findings and 3) re-prioritization of our large projects / development list - do we need to re-think select large scale development project since the pandemic (especially those not bonded and some 40B developments now on the sidelines, et al).</p> <p>In short - we will likely have to accelerate some tactical remits for EDAB for the remainder of the fall and next winter.</p>
Questions? Please contact the Select Board at selectboard@brooklinema.gov, 617-730-2200	

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COMMITTEE APPLICATION FORM

NAME: _____

ADDRESS: _____

PREFERRED PHONE#: _____

SPECIFIC COMMITTEE YOU ARE APPLYING FOR: _____

YOUR RELEVANT AREAS OF INTEREST _____

WHAT TYPE OF EXPERIENCE OR SKILLS CAN YOU OFFER TO THIS COMMITTEE? _____

WHAT ISSUES WOULD YOU LIKE TO SEE THIS COMMITTEE ADDRESS? _____

HAVE YOU ATTENDED ANY COMMITTEE MEETINGS? _____

ARE YOU INVOLVED IN ANY OTHER TOWN ACTIVITIES? _____

DO YOU HAVE TIME CONSTRAINTS THAT WOULD LIMIT YOUR ABILITY TO ATTEND ONE TO TWO MEETINGS A MONTH? _____

IF RELEVANT, YOU CAN ATTACH OTHER MATERIALS (RESUME, NEWSPAPER, MAGAZINE, OR JOURNAL ARTICLE, ETC.)

Please mail or deliver your application to the Select Board Office, 333 Washington St., 6th Fl., Brookline MA 02445 or email it to selectboard@brooklinema.gov

Online Form Submittal: Committee Reappointment Interest Form

notifications@brooklinema.gov <notifications@brooklinema.gov>

Wed 8/12/2020 6:57 PM

To: Devon Williams <dwilliams@brooklinema.gov>

Committee Reappointment Interest Form

Date	8/12/2020
Name	Cliff Brown
Street Address	
Zip	02445
Preferred Phone #	
Committee you are a member of?	EDAB
List of accomplishments in the last 3 years.	Provided strategic advice to Kara Brewton on the updated 5-year Economic Development Plan. Provided strategic advice to Kara Brewton with regard to liquor licenses. Essentially rewrote the master warrant article explanation for the Welltower project. Principal author of EDAB's recommendations on Article 21 compromise. Principal author of BFAC's economic development recommendations. Liaison between EDAB and Advisory.
Future Goals	Support staff in any way I can be effective. Continue to provide unvarnished perspectives and advice to staff and the rest of EDAB. Support efforts to promote EDAB and its goals, BFAC's recommendations regarding economic development, and zoning reform to further many Town goals including the development of affordable housing throughout Brookline, Town resiliency in the face of climate change and growth in the tax base.
Questions? Please contact the Select Board at selectboard@brooklinema.gov, 617-730-2200	

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Online Form Submittal: Board/Commission Application Form

notifications@brooklinema.gov <notifications@brooklinema.gov>

Tue 12/1/2020 3:03 PM

To: Devon Fields <dfields@brooklinema.gov>; Ben Vivante <bvivante@brooklinema.gov>

Board/Commission Application Form

Please use this form to apply for one of the [open Board/Commission positions](#). We welcome your application and will respond to you quickly.

Name	Sandi Silk
Address	[REDACTED]
Home Phone	[REDACTED]
Work Phone	[REDACTED]
Email	[REDACTED]
Application for specific Board/Commission?	Economic Development Advisory Board
What type of experience can you offer this Board/Commission?	I am a mixed-use and multifamily development professional with over 25 years of experience leading development teams and managing complex development projects. I am well versed in economic development and planning related issues in cities and towns like Brookline through my professional experiences.
What type of issue would you like to see this Board/Commission address?	124 ARLINGTON RD
Are you involved in any other Town activities?	CHESTNUT HILL
Do you have time constraints that would limit your ability to attend one to two meetings a month?	no
IF RELEVANT, YOU CAN ATTACH OTHER MATERIALS (RESUME, NEWSPAPER, MAGAZINE, OR JOURNAL ARTICLE, ETC.)	sws updated resume - 7-2020.pdf

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COMMITTEE APPLICATION FORM

NAME: Robert Sable

ADDRESS: 50 Harris Street, Brookline 02446

PREFERRED PHONE#: 617-642-5316

E-MAIL ADDRESS: rsable@aya.yale.edu

SPECIFIC COMMITTEE YOU ARE APPLYING FOR: Committee on Policing Reforms.

YOUR RELEVANT AREAS OF INTEREST As a Brookline resident since 1980, I want Brookline be a model for policing that provides not only safety for all, but also confidence among people of color, low income residents and LGBTQ persons that they are also being treated fairly and protected.

WHAT TYPE OF EXPERIENCE OR SKILLS CAN YOU OFFER TO THIS COMMITTEE? I am a lawyer and my career has been spent representing the interests of low-income and minority communities, although in civil, not criminal matters. I have also significant experience in management, budgeting and labor relations

WHAT ISSUES WOULD YOU LIKE TO SEE THIS COMMITTEE ADDRESS? Recruitment to insure diversity on the police force; perceptions of the force among persons of color and low income residents.

HAVE YOU ATTENDED ANY COMMITTEE MEETINGS? No

ARE YOU INVOLVED IN ANY OTHER TOWN ACTIVITIES? No

DO YOU HAVE TIME CONSTRAINTS THAT WOULD LIMIT YOUR ABILITY TO ATTEND ONE TO TWO MEETINGS A MONTH? No

IF RELEVANT, YOU CAN ATTACH OTHER MATERIALS (RESUME, NEWSPAPER, MAGAZINE, OR JOURNAL ARTICLE, ETC.)

Please mail or deliver your application to the Select Board Office, 333 Washington St., 6th Fl., Brookline MA 02445 or email it to selectboard@brooklinema.gov

RESUME

ROBERT ALAN SABLE

50 Harris Street
Brookline MA 02446
617-566-2089
Cell- 617-642-5316
rsable@aya.yale.edu

WORK EXPERIENCE

2012 to present: Greater Boston Legal Services

Volunteer Attorney, Started program's bankruptcy practice and represent clients in bankruptcy.

1991 - 2011: Greater Boston Legal Services

Executive Director, Greater Boston Legal Services (GBLS). Chief Executive Officer responsible to Board of Directors for administration of the agency. Led restructuring of legal services in Greater Boston area which integrated major providers and permitted GBLS to continue full range of advocacy to all clients in all forums. Continued practice of high quality individual work and systemic advocacy. Oversaw increases in annual law firm giving from \$530,000 to more than \$3 million, in annual foundation funding from \$200,000 to more than \$1.5 million and annual individual giving from a negligible amount to more than \$500,00. Oversaw three major capital/endowment campaigns of more than \$1 million each.

1974 - 1991: National Consumer Law Center

Executive Director, 1979 -1987. Responsible to Board of Directors for administration of the Center. Expanded program to cover low-income fuel and energy issues. Established DC office. Began program of selling manuals to diversify income.

Staff Attorney and Deputy Director, National Consumer Law Center, Inc. Specialized in insurance, bankruptcy and credit laws and administered the Center's legal work program. Member of several advisory committees to the National Association of Insurance Commissioners.

1968 - 1973: Legal Aid Society of Cleveland

Civil Director, Administered six neighborhood law offices, a downtown office, and three specialty units -- divorce, juvenile and hospital services

Attorney-in-Charge, Central Neighborhood Law Office, and Acting-Attorney-In-Charge, Hospital Service Unit. Represented clients and supervised other lawyers in neighborhood poverty law practice.

Staff Attorney, Economic Development Section. Represented several community development corporations and other community groups about tax exemptions, problems of community development corporations, and financing through federal and local grant and loan programs.

Head of the Legal Department, Hough Area Development Corporation (HDC), a community based economic development corporation, on assignment from the Legal Aid Society of Cleveland. Responsible for the structuring of HDC's subsidiaries, for dealings with the IRS and SBA and other federal agencies, and for legal work on acquisition of businesses.

1963 - 1965:

Peace Corps Volunteer, Kolahun, Liberia, West Africa. Assistant to the District Commissioner, responsible for initiating and coordinating rural development projects.

EDUCATION

Yale Law School - LL.B. 1968

Chair, Student Legal Services Organization.
Yale Law School Scholarship, 1965-1968.

Harvard College - B.A., Cum Laude, 1963

Majored in Government; Harvard College Scholarship, 1959-1963.

SELECTED PUBLICATIONS

Limitation and Regulation of Credit Property Insurance (1976) (with Willard Ogburn).

Repossessions (National Consumer Law Center 2d ed. 1988 and Supp.) (with Jon Sheldon).

"Consumer Law For Housing Lawyers: Bankruptcy", 23 Clearinghouse Review 699 (October 1989).

10.A.

"Consumers as Creditors in Bankruptcy" Chapter 17 of National Consumer Law Center, Consumer Bankruptcy Law and Practice (1990).

"A Primer on Reserves for Legal Services Programs", Management Information Exchange, Fall 2009 (2009)

"Justice for All and the End of Poverty in the United States", Management Information Exchange, Fall 2011 (2011)

PROFESSIONAL ORGANIZATIONS

Prisoner Legal Services of Massachusetts – Treasurer; Boston Bar Association - Former Co-Chair, Delivery of Legal Services Section; Former member of Board of Editors, Boston Bar Journal, former Council member. Massachusetts Bar Association – Former Council Member, Delivery of Legal Services Section. National Legal Aid and Defenders Association, National Lawyers Guild.

BAR ADMISSIONS

Ohio (1968) (inactive); Massachusetts (1976); Federal Court for Northern District of Ohio and the District of Massachusetts.

AWARDS

Access to Justice Fellow 2012-2013
John G. Brooks Legal Services Award –Boston Bar Association
Legal Services Award – Massachusetts Bar Association
Life Time Achievement Award -Massachusetts National Lawyers Guild
Claude E. Clark Award for Outstanding Service as an Attorney with the Legal Aid Society of Cleveland.
Reginald Heber Smith Fellowship, 1968 – 1970

Online Form Submittal: Board/Commission Application Form

notifications@brooklinema.gov <notifications@brooklinema.gov>

Mon 12/21/2020 2:29 PM

To: Devon Fields <dfields@brooklinema.gov>; Ben Vivante <bvivante@brooklinema.gov>

Board/Commission Application Form

Please use this form to apply for one of the [open Board/Commission positions](#). We welcome your application and will respond to you quickly.

Name	Mark Zarrillo
Address	
Application for specific Board/Commission?	Boylston Street Corridor Study Committee
What type of experience can you offer this Board/Commission?	50 years experience as a Landscape Architect & Certified Planner
What type of issue would you like to see this Board/Commission address?	ambiguity of planning initiatives.
Are you involved in any other Town activities?	Member planning board
Do you have time constraints that would limit your ability to attend one to two meetings a month?	No
IF RELEVANT, YOU CAN ATTACH OTHER MATERIALS (RESUME, NEWSPAPER, MAGAZINE, OR JOURNAL ARTICLE, ETC.)	Field not completed.

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10.A.

Date: 12/21/20

To: Town of Brookline Select Board

From: Edward Bates, Community Planner, Department of Planning and Community Development

Subject: New Boylston Street Corridor Study Committee Member

I am writing this memo to inform you that James Carr has resigned as a member of the Boylston Street Corridor Study Committee due to time constraints. James still plans to remain active in the Committee, but not as a full voting member. Planning Board Chair Steve Heikin recommends that an architect and Planning Board member remain on the Committee. Planning Board member Mark Zarillo has therefore stated that he would be willing to replace James Carr as a new member of the Boylston Street Corridor Study Committee and the Chair of this Committee, Select Board member John VanScoyoc, has approved this.